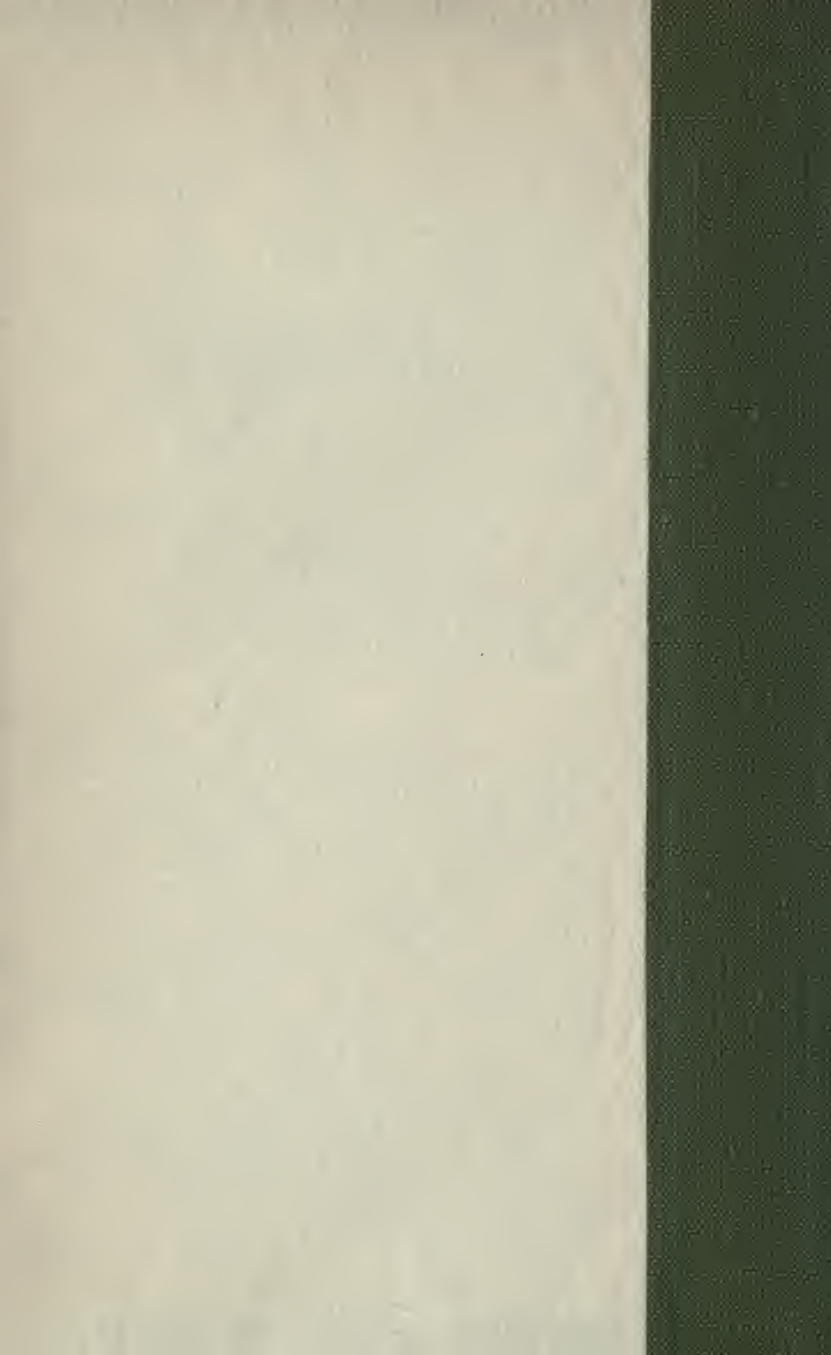


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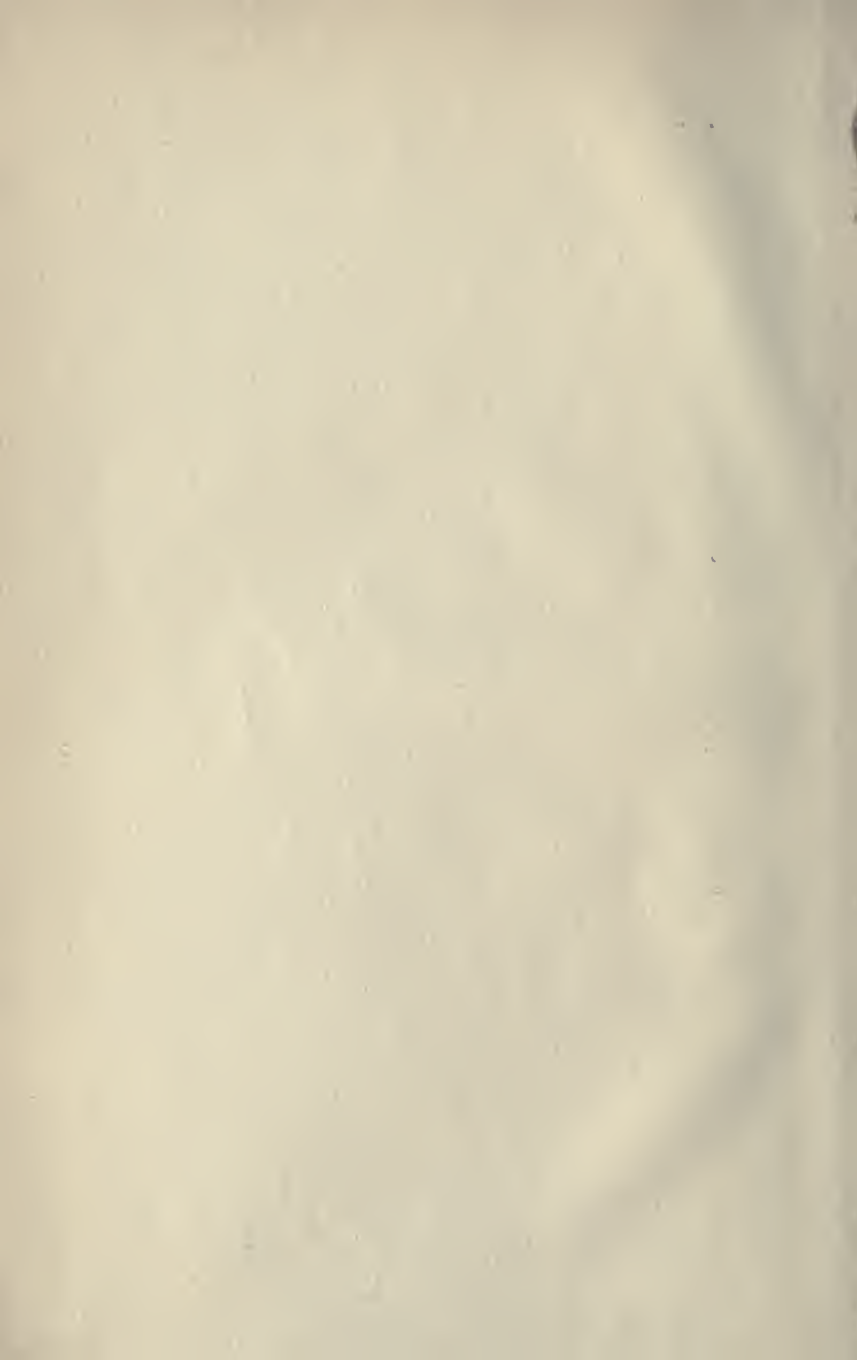








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INTERNATIONAL CONCILIATION

Nos. 138<sup>1</sup> - 145

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OF THE  
AMERICAN ASSOCIATION  
FOR  
INTERNATIONAL CONCILIATION  
1919<sup>2</sup>



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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION

SUB-STATION 84 (407 WEST 117TH STREET)

NEW YORK CITY

1920

It is the aim of the Association for International Conciliation to awaken interest and to seek cooperation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

The Association endeavors to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found at the end of this volume.

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720

## I

## PALESTINE .

By RICHARD GOTTHEIL

In consideration of its size Palestine has certainly played an ample part in the great movements that have swayed and influenced the world. From the people that have grown up and flourished there have come forth the Old and the New Testaments. Yet, in the inverse ratio of the increase of influence acquired through these works, the people themselves have suffered and bled. The unfortunate situation of the country is largely to blame for this. It is a part of the connecting link between three continents: it is hemmed in on one side by the Mediterranean Sea; on another side it is rendered inaccessible by the Desert; and upon a third side it is cut off by a great mass of rocky and inhospitable land. In the days during which warfare has accomplished the policy of ambitious peoples, and has played the game of unscrupulous rulers—from the earliest times down to 1919—Palestine has been crossed and re-crossed by those whom ideas of conquest have led through its valleys and over its hills. In the course of such events, various peoples have occupied its ground and then have been lost to view and almost forgotten of history. One among them, however, has succeeded in preserving its identity. Within the geographic limits of that country it felt the first throes of nationhood. Under its spell it grew and conceived its mission to be “unto the peoples a covenant, and for

a light unto the nations." But no matter how high its ideal might be pitched it needed corporate existence from which to work out its inspiring vision.

This existence the Jews found in Palestine. Settling there in the earliest days which their history records, their ancestors were driven by famine, to take refuge for a time in the neighboring land of Egypt; but informed as they were by the desire and the purpose to win political as well as religious independence, they returned into Palestine by way of the Wilderness, exhibiting a tenacity and a robust confidence in themselves which every people needs that cuts its own swath in the world. For some 1500 years they were engaged in building up their state, suffering many chastening considerations, a small commonwealth, naturally tossed hither and thither by those mightier empires to whose physical greatness they could not aspire had they ever willed it. They were torn by internal dissensions; they suffered the loss of many of their best by deportation and captivity; but, withal, the Jews never forewent their corporate consciousness, nor slipped the principle which had upheld them during the long years of toil and turmoil. They recovered their foothold in Palestine whenever it had been lost or threatened, through Babylonian, Assyrian, Persian or Greek influences. Around Jerusalem their memories commenced to cluster in a proud and spacious habit. In speech and in song, in thought and in hope the very ground acquired a sacred meaning; and the whole conscience of the Jewish people became fixed in a Palestine setting.

All the old imperialistic plans for world mastery have been unsuccessful in downing the tenacity with



which the Jews clung to the nationhood as they had evolved it; all, excepting one, and that only in part and without finality. Rome spoiled the countries of the ancient world in her plans of conquest. She, indeed, captured Palestine, after having supplanted its civilization with that of the Greco-Roman culture that paved the way for her armies. In the year 70 A. D., her soldiers marched into Jerusalem; and for the nonce the Jewish commonwealth ceased to be.

The long procession through the centuries began; the continued adventures in all climes and under varied heavens that have carried bands of Jews into nearly every corner of the world's continents. Even prior to the forced abandonment of their chosen home on the Mediterranean, Jews had not scrupled to go forth in search of life and adventure into the various quarters of the world then known; but it was felt and it was recognized that this was merely a going forth to which there was always attached a sentimental, if not an actual, return. This was as true of the involuntary as it was of the voluntary exiles. They traveled westward; but their heart was turned toward the East. Rome had conquered their incorporated existence as a state. It had left untouched and unconfounded their sense of mutual relationship and, above all, undimmed the hope of regaining once more the prestige of their former nationhood in the land endeared to them by the sufferings of their ancestors. Down to the very latest date their liturgy has been full to repletion of the return to Zion; their post-Biblical Hebrew literature is a singular expression of the unique hope that has upheld its readers and that by its persuasive enthusiasm has fanned their courage to persist through tortures and troubles without

number. The advent of Christianity and the coming of Mohammedanism seemed to have complicated the question of the restoration and the return for the Jews, inasmuch as associations connected with that country were sacred to these two faiths as well as to the Hebrew. But with the indomitable faith that was and is his, the added difficulties served merely to increase the ardor of the Jew and make him feel the necessity of keeping himself prepared for the great event that he felt was being treasured up for him. When in 1492 the Spanish Inquisition drove him from Spain, a drop of sweetness was put into his cup of woe by the knowledge that he could travel and settle eastward, and that eastward was in the direction of Palestine. Nor should it be forgotten that all through their history in European countries, the Jewish communities had successfully cultivated a sort of cloistered spirit that kept them out of the common ways of existence. Avoidance of intermarriage had preserved their racial affinities and peculiarities with a certain amount of precision. A common language both for prayer and for intercommunication had fostered a sodality which held the scattered elements together as would have been impossible through any instrument of pure force.

It is true that even at an early date in the seventeenth century certain schemes were put forward—especially by non-Jews—to hasten on the glad event of the restoration. But these were millenarian and largely religious in character. The Jews shrank from the controversy and from the battlefield that any such attempt would create; and the fight for release from disabilities in European countries embraced whatsoever attention was given by Jewish leaders to mun-

dane affairs. Napoleon's proclamation in 1799 inviting the Jews of Asia and Africa to reestablish Jerusalem under the aegis of his arms fell upon ears that had been dulled by the din of battle and the roar of cannon. Even as late as 1841, when Colonel Churchill, the resident English officer at Damascus, writing to Sir Moses Montefiore, said that he could not "conceal his most anxious desire to see your countrymen (the Jews) endeavor once more to resume their existence as a people," and that "were the resources which you all possess steadily directed toward the regeneration of Syria and Palestine, there cannot be a doubt but that, under the blessing of the Most High those countries would amply repay the undertaking, and that you would end by obtaining the sovereignty of at least Palestine," no response came from the Jewish side. Even George Eliot's stirring words in "Daniel Deronda" (1876) failed to awaken the fire of enthusiasm. The distress and affliction suffered in certain Christian countries had led the Jews to look with a measure of fair appreciation upon the Turkish Empire and to be unwilling to venture her ill-grace by any attack upon her sovereignty; in which view they were upheld by some of the Western European countries in search of trade facilities in the Levant.

Two movements contributed much to focus the attention of the Jews upon the problem with which they had to deal. The first was the destructive and the disintegrating influences that modern life and thought had upon the communities settled in the Western world. The growth of national sentiment and national ardor in the various countries had weakened the allegiance of the young to the older ideals, and had given the false impression that the two sets

of ideals were necessarily at odds one with the other. As Jewish communities cast their fling way out into all corners of the globe, the use of Hebrew was apt to fade away; religious observances were liable to take on new forms more conformable to the surroundings in which they were observed. The strong attachment that had been the characteristic of early days was turning into a sympathetic detachment. The need of a center was felt from which an authentic voice could go out to the various corners of the Diaspora.

The second was the so-called anti-Semitic agitation which, starting in 1881, wrought such havoc in Russia, became general in Eastern Europe, and even planted some of its disastrous roots in France. It was in direct consequence of the infamous May Laws that an Odessa physician, Leo Pinsker, sent a note ringing throughout East European Jewry. The very title of his work, "Auto-Emancipation," shows the purpose he had in mind—to awaken his brethren to a sense of the duty they owed to themselves to bring the Jewish people to a fuller sense of their corporate existence.

It was in 1882 that the first group, called the "Lovers of Zion," came together at Odessa. This group enflamed the ardor especially of the younger element and many a youth threw down his books to shoulder a spade and march to the re-conquest of the old land in Palestine.

In the meantime men of a practical turn of mind had put their hands to the plow, had freed themselves from all cant of party, and had commenced to found Jewish agricultural colonies in Palestine despite all the drawbacks of Turkish misrule and the



dried phrases of Turkish statesmanship. Beginning in 1874, continuing in 1882, immigrants mostly from Russia and Rumania settled in Galilee and in Samaria and then in Judea, largely through the generosity of Baron Edmond de Rothschild. In 1911 these colonies were able to liquidate a portion of their indebtedness to the Baron and to free themselves from the philanthropic pall that had threatened their free existence, though already in 1907 absentee landlordism had been abolished and the colonies and their government handed over to the colonists. At the outbreak of the war in 1914, forty-five such colonies existed in Palestine, covering an area representing from 8 to 14 per cent. of its cultivated surface.

Side by side with the practical development of Jewish life in Palestine, the cultural and educational has gathered head. The language question was one long to be puzzled over. The Jews that had come to resettle in Palestine had brought with them the various tongues they had acquired in the countries of their former dwelling. Arabic was the language spoken by all the other inhabitants of the land; it was a language with which they were quite unfamiliar. But wheresoever they had gone there was one language that the Jews had not forgotten, that was in very truth their own. Hebrew had always been cultivated by them, for ritual, scholastic, and literary purposes. It had been the language of the past; the hope had persisted that it would be the language of the future. On the ground of Palestine need joined hands with desire, and the pursuit of Hebrew was fed by the flames of national passion. It has become the vehicle of conversation and of instruction. Elementary schools have been founded in all the colonies; a

Union of Hebrew Teachers, that also publishes a pedagogic journal, looks after the development of the methods of instruction. Hebrew day-schools with a more distinctly religious tendency satisfy the needs of that part of the population that desires such spiritual color. In 1905 the Bezalel Art School was founded at Jerusalem, where carpet-weaving, filigree, copperware, carpentry, lace, metalwork, ivory carving, and lithography were taught. In 1907 the Jaffa gymnasium came into being, where secondary education of a purely secular kind is offered, and in 1909 a similar gymnasium at Jerusalem. In that same year the Girls' School, organized at Jaffa in 1893, was rebuilt, and schools for women and for girls were put up at Jerusalem, Jaffa, Tiberias, and Safed, where the making of lace is taught. To put the crown upon this system, the Eleventh Zionist Congress held at Vienna in 1913 voted to found a Hebrew University in Jerusalem; and among the first acts of the official representative of the Jews who came to Palestine after General Allenby had occupied the city in 1918—Dr. Chaim Weissmann—was the formal laying of the cornerstone of the first building designed for such a use.

Side by side with this development of the moral, intellectual, and economic progress of Palestine, have gone the preparations made by the Jews for the occasion which was not thought as near to the present as it has proved to be. In the center of all these adjustments and disposals stands the figure of Theodore Herzl, commanding, leading, persuading—a fit continuation of the line of such figures that has preserved the Jewish spirit intact from Biblical times down to our own. It was in 1895 that he, the representative in Paris of a leading Vienna newspaper, wrote his



"Judenstaat," in which he argued for a definite and certain home and for a closer formation of the Jews in order to prepare that home for its future denizens. Herzl's personality and his clarity of argument carried conviction. He was able to place his plan of constructive Jewish politics before a number of European governments; and while no definite and distinct promise was made, certain bonds were forged which in time are bound to result in good understanding. His attempts, however, to come to some agreement with the ruler at Constantinople failed because the price demanded was disloyalty to European civilization. The first Zionist Congress sat in Basel during August, 1897. It formulated the so-called Basel Program which proclaimed that Zionists strive to "create for the Jewish people a home in Palestine secured by public law," and that they purpose to work for the agricultural and industrial colonization of the land, the binding together of the whole of Jewry by means of institutions, but always "in accordance with the laws of each country," and especially to attain this aim by gaining in all cases the necessary "government consent." It was a declaration made with every circumstance of frankness, a condition that has remained fundamental to the Zionist position, from that year to this. Between the years 1897 and 1913 eleven Congress meetings were held. Parties were developed as the movement represented by the Congress gained momentum; but never did the absolutely democratic spirit that informed it lose its force. It was a democracy informed by perfect loyalty, on the part of those who labored for its attainment, to the states in which they dwelled. Palestine is small in extent, however gen-

erously its bounds may be set. It cannot contain more than 3,500,000 to 4,000,000 inhabitants; and place must be left for the Syrians and Arabs living there or wishing to settle within its borders. At the present moment, the population of Jews is far below that of other racial contingents. This, of course, is due to the drastic Turkish laws that, in the past, prevented the settlement of Jews there in any large numbers and even encouraged the decadent character of the life there. When the Jewish state is firmly established the position of those Jews not living there will in no way differ from that of other men and women living away from their national or racial home. The rebirth of Greece was effected without any strain upon the patriotic affiliations of those Greeks living in other places than in the Peninsula; and the same has been true of the Italians at the moment when their self-assertion demanded recognition. At the time of this writing the movements for Armenian and Albanian independence, for the reintegration of these lands into the community of statehood, and for the return of those of their nationals as desire it to the land of their spiritual if not actual birth, certainly is not misinterpreted as a slur or as a blot upon the patriotism of those that remain. And in like measure, the virility of Jewish sentiment at this present reassertion of Jewish political consciousness can only be misunderstood by an anemic and neurotic sense of the real duties and obligations of citizenship.

On Monday, December 10, 1917, General Allenby, at the head of British troops, though flanked by an Italian and a French officer, marched into the city of Jerusalem, and the beginning was made to wrest Palestine from the heavy hand of the Turk. But

prior to that, on November 2, Arthur J. Balfour, Secretary of State for Foreign Affairs in Great Britain, had written to Lord Rothschild the statement now become famous:

"His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights and political status enjoyed by Jews in any other country."

And long before that date, English statesmen had commenced to see the depth and importance of the problem, which the world with them might be called upon to solve; an indication that the statement of Mr. Balfour was something more than verbal exuberance. In 1916 Lord Cromer had written that one of the consequences of the war will almost certainly be that the whole Jewish question will in the future have to be approached under auspices which differ widely from those which have hitherto obtained. He added that "although possibly the Jewish question will not mature quite so quickly as some of the more enthusiastic Zionists consider probable, it is rapidly becoming a practical issue, and before long politicians will be unable to brush it aside as the fantastic dream of a few idealists." As early as April, 1917, General Sir Archibald Murray, who led the British troops up to the gates of Gaza, had said in a proclamation, "What shall we do with Palestine, this country liberated from the century-old Turkish grip? There can be little doubt that we should revive the Jewish Palestine of old, and allow the Jews to realize

their dreams of Zion in their homeland. All the Jews will not return to Palestine, but many will do so. . . . The Jews would at least have a homeland and a nationality of their own. The national dream that has sustained them for a score of centuries will have been fulfilled". That such is not merely an expression of the misguided passion of a few in Great Britain or an attempt to make the sympathies of a race dance to the tune of their own political needs is in evidence from the pronouncement of the British workingmen that "The British Labor Movement further expresses the hope that it may be practicable by agreement among all the nations to set free Palestine from the harsh and aggressive government of the Turk, in order that the country may form a free state, under international guaranties, to which such of the Jewish people as desire to do so may return and may work out their salvation, free from interference by those of alien race or religion." That the sentiment in this direction runs as strong on this side of the ocean as on the other is seen in resolutions of a like tenor passed not only by the United Hebrew Trades of New York, but also by the American Federation of Labor.

Other governments or their representatives have given adherence to the sentiment that is back of the British presentment. The Marquis Imperiali (Italian Ambassador in London) has declared that his Government identifies itself with the policy of the British Government "in regard to the establishment of a national home for the Jewish People in Palestine." M. Pichon (French Minister of Foreign Affairs) "was pleased to confirm that there was complete agreement between the French and the British governments concerning the question of a Jewish



'établissement' in Palestine." Indorsements have come also from Serbia, from Greece, Holland, Siam, China, and Japan; and when Dr. Weissmann laid the foundation for the Jewish University in Jerusalem, a certain number of professors at eight Spanish seats of learning sent him a message of sympathy. But the indorsement that is especially dear to us is from the President of the United States of America which says in part, "I have watched with deep and sincere interest the reconstructive work which the Weissmann Commission has done in Palestine at the instance of the British Government, and I welcome an opportunity to express the satisfaction I have felt in the progress of the Zionist movement in the United States and in the Allied countries since the declaration by Mr. Balfour on behalf of the British Government of Great Britain's approval of the establishment in Palestine of a national home for the Jewish people, and his promise that the British Government would use its best endeavors to facilitate the achievement of that object, with the understanding that nothing would be done to prejudice the civil and religious rights of non-Jewish people in Palestine or the rights and political status enjoyed by Jews in other countries."

It is evident, therefore, that a new factor has cut in amid the racial and political rearrangements of the nearer Orient. It is perhaps too early to predict the exact form to be taken on by the Jewish Palestine. Is it to be an independent free state; is it to be a crown colony of Great Britain; is it to rest for a while under the protecting guidance of some one power or under the especial tutelage of some League of Nations?—these questions all lie on the knees of the gods. But one or two conditions seem even at the

present moment to be certain. It must stand in cordial relations with the new Arab Kingdom of the Hejaz to the south and the coming state of Syria to the north. It must have the good will of the leading countries that are to be responsible for the international order that is in process of creation. It will not rely upon its physical strength, for, at best, it will be small in extent. It will depend upon the sense of right and of justice on the part of those to whom world-leadership will be given.

For the rest, it will have to demonstrate its own ability to live upon its own merits and by its own labor. An indication of this ability may be seen in the development of Jewish Palestine prior to the outbreak of the war. Despite the many difficulties of Turkish opposition, of paternalism on the part of Jewish parent organizations in other parts of the world, and of inexperience, the Jewish settlements in Palestine covered some 500,000 dunams (quarter-acres) of land. Of these 62,400 consisted of plantations (orange groves, vineyards, almond and olive groves, etc.) of the value of 22,605,000 francs and producing a net income of 2,271,500 francs. Half of the remaining 437,600 dunams are devoted to cereal and vegetable farming, and the balance to villages, roads, and land still in the process of development for future occupation. The total value of the Jewish possessions in the country has been estimated at something more than 50,000,000 francs.

In order to finance all the various undertakings that made this advance possible, in the year 1903, an institution was founded under the name of the Anglo-Palestine Bank, an off-shoot of the Jewish Colonial Trust, which has now a paid up capital of £100,000.



Its purpose has been to issue short-term loans to colonists, merchants, and manufacturers, long-term credits and loans to coöperative loan societies. It has paid an annual dividend of  $4\frac{1}{6}$  per cent. Nor have the cities been entirely neglected. What can be accomplished along these lines has been shown in the suburb of Tell Aviv in Jaffa. At Haifa a sort of garden city was in process of building; and even in Jerusalem the miserable squalor that was the natural consequence of Turkish mal-administration was being exchanged for streets lined with neat and trim houses in which sanitation and a certain amount of creature comfort laid the basis for a healthy spiritual reaction.

The administration of these groups gives us to a certain extent an insight into the future governance of the whole land. The basic principles upon which communal life is to be ordered are best expressed in the statement drawn up and passed at the Zionist Convention held at Pittsburgh, Pa., on June 23-30, 1918:

*First.* Political and civil equality irrespective of race, sex, or faith of all the inhabitants of the land.

*Second.* To insure in the Jewish national home in Palestine equality of opportunity, we favor a policy which, with due regard to existing rights, shall tend to establish the ownership and control of the land and of all natural resources, and of all public utilities by the whole people.

*Third.* All land owned or controlled by the whole people should be leased on such conditions as will insure the fullest opportunity for development and continuity of possession.

*Fourth.* The coöperative principle should be applied as far as feasible in the organization of all agricultural, industrial, commercial, and financial undertakings.

*Fifth.* The fiscal policy shall be framed so as to protect the people from the evils of land speculation and from every other form of financial oppression.

*Sixth.* The system of free public instruction which is to be established should embrace all grades and departments of education.

*Seventh.* The medium of public instruction shall be Hebrew, the national language of the Jewish people.

The honest endeavor to carry out these principles has laid the foundations for a democratic governance that is perhaps unique of its kind: it seeks to combine the utmost freedom of individual expression with a proper regard for the good conduct of the whole community.

It is democracy in excelsis. Each colony has its council that administers its internal affairs and that represents it when matters pertaining to all the colonies are to be settled. The members of these councils are elected by all the men and the women that have lived in the colony for at least two years. Various committees assist the Council in its labors—a valuation committee to apportion the amount of taxes to be paid; an Education Committee to care for the communal schools, kindergartens and public festivals; a Committee of Public Security to see that the necessary police service is rendered, and an Arbitration Committee to settle disputes that may arise among the colonists. At the moment that the war broke out the colonists were in the act of forming a committee that was to take charge of those matters that were common to all the colonies—in a measure a Privy Council.

One would be called a facile opportunist if one believed that anything more had been done than to

point the way development must take. Measures must be laid down to insure other and non-Jewish interests in the country, not only their full value and their complete liberty of action, but their concurrent action with what we hope will be the dominating Jewish forces there. To work out the problems, the protecting hand of some great power is urgently needed, and all indications point to Great Britain as the one that, through special circumstances and unusual equipment, is called upon to give this pioneer aid in helping the form of Judea, that has laid prostrate for so long a time, to rise once more and take its fitting place among the powers of the world.



ARMENIA—Possible Boundaries of the New State



## II

## THE NEW ARMENIA

## CLAIMS AT THE PEACE CONFERENCE

Reprinted from the London *Times*, December 31, 1918

*The following outline of Armenia's claims to be brought forward at the Peace Conference is given on the authority of Boghos Nubar Pasha, the son of the famous Nubar Pasha, Prime Minister of Egypt, to whose work of regeneration Lord Cromer and Lord Milner have both paid tribute. He is the President of the Armenian Delegation, appointed by the Catholicos, and as such the recognized leader of the Armenian people. He is supported by all Armenian parties, whatever the country of their adoption.*

The geographical boundaries of the new Armenia and the system of government necessary for its security during the period of its reconstitution will be determined at the Peace Conference. In the meanwhile there is reason to expect that the broad lines of the settlement proposed by the delegation will be adopted. Armenia's interests clash with nobody's save the Turk's, and he has forfeited the right, and lost the power, to resist her aspirations to a new birth. The adjustment of frontiers with other new States—Georgian, Tartar, and Arab—to the north and east and south, is a matter of minor importance. The lines of nationality are fairly clear, and are not likely to involve serious dispute. The existence of a compact,

autonomous Armenia is the main thing, and I gather that the delegates will not prove unaccommodating in respect to the interests of their neighbors.

The most important development in the scheme of reconstruction is that the young Armenian Republic of Ararat have agreed to throw in their lot with the Armenians of Turkey in a united State. This decision has greatly simplified the question of settlement in the Near East. The Armenians' moral claim to the independence which they have proclaimed is indisputable; the only argument against an independent State that could be used by the friends of Turkey is that the Ottoman policy of extermination has been so thorough that there are not enough Armenians left to form the nucleus of a population—an argument for non-intervention that would establish the principle of the murder of small civilized nations to admit the survival of barbarism.

This for many years has been the policy of the Turk, but Talaat's cynical boast that he would settle the Armenian question by doing away with the Armenians has not been realized. The statistics of massacre vary, and we have no certain data, but it is estimated that the Ottoman Government have eliminated by mob murder 800,000 of the Christian population of Turkish Armenia since 1915. Another 600,000 are believed to have escaped. These, with an almost equal number of "deportees" and settlers, who will seek repatriation as soon as the home of their origin has been purged of Turkish control, will form the nucleus of the liberated Armenia which used to be subject to Ottoman rule. But the question of a majority in United Armenia will settle itself by the inclusion of the two million Russian Armenians now

that they have expressed their willingness to be incorporated in the new State.

As regards government, Armenia will not be strong enough for a long time to stand on her own feet, and experience has shown that a divided international control is too cumbrous, slow, and complicated to admit of smooth and uninterrupted progress. Armenia asks for a mandatory—one of the Entente Powers, England, France, or America, to stand sponsor for her while she is developing strength. This Power would organize a government, lay down the main lines of administration, and provide troops for the protection of life and property during the period of transition. A large force would not be necessary, as an Armenian gendarmerie could be enrolled almost at once. The 25,000 Armenian troops in the Caucasus could be called in, and the 8,000 with Allenby, as well as drafts from America and elsewhere. Under the provisional government the principle of self-administration will be developed, perhaps with a nominated Council in the first place, to be succeeded by an elected one. The delegation believe that in a few years the new Armenia would be capable of self-government and self-defense. Nubar Pasha reckons on a population of something like two and a half millions so soon as there is confidence that no shadow or vestige of Turkish suzerainty will darken the prospect of the future.

As regards boundaries. The new Armenia including Russian Armenia, the six Turkish *vilayets*, and Cilicia, or Armenia Minor, will, if the proposal of the delegation is accepted, extend from the Black Sea to the Mediterranean. On the Black Sea Samsun with its interior communications with Anatolia will nat-



urally be Turkish. A stretch of coast east of this port to a point east of Trebizond will be the Armenian littoral. Between Trebizond, the port of Erzerum, and Batum, which will be the outlet of Georgia, the Armenian-Georgian boundary will be fixed. The Armenians lay no claim to Trebizond on historical grounds, but a thin strip of land on their northern border, interposed between them and the sea, would form an economic barrier which no unprejudiced commission could accept. From the Black Sea coast the northern frontier of the proposed Armenian State will run eastward, including Ardahan, Kars, Alexandropol, to the present boundary of Erivan, beyond which the Tartar element predominates. South of this the eastern limits of Armenia will extend to the Persian frontier down to the Kurdish country. A line of demarcation will be drawn east and west, separating, as far as possible, on a national basis, the territory of the Kurds and Armenians. This line would pass through the Bitlis and Van provinces, to Diarbekr, where the Arab frontier remains to be settled, and from Diarbekr southwest to Alexandretta, on the Mediterranean. Westward the boundary on the Mediterranean coast would include Mersina, whence a line drawn north to a point between Samsun and Ordu on the Black Sea would form the western frontier of the new State.

The case of Armenia is morally stronger than that of any of the small nations whose destiny is to be decided at the Peace Conference. The geographical parallel between Armenia and Belgium and Serbia holds; all these small nations have stood in the path of the German. Armenia's crime was that she lay between the Turks of Europe and their Tartar kinsmen of the Caucasus and Central Asia. Her exis-

tence was incompatible with Pan-Turanianism. In the spring of this year the remnants of the Armenians held back the wave of the Turkish Army from Persia and the Caspian for five months, and when the armistice was concluded, bands of them were still carrying on a guerilla warfare in the hills. Andranik, the scourge of the Turk from the beginning, never submitted.

It is not likely that the Allies will fail in reparation. Our own debt is great, for our policy in backing Turkey against Russia was responsible to a large extent for the Armenian atrocities before the war. In the treaty of Berlin and the Cyprus Convention, by eliminating Russia we removed the only safeguard of the Christian population in Turkey, contenting ourselves with Ottoman promises of reform, which we had no power to enforce, and which we might have known Turkey had no intention to fulfil. Now after four years of blood and sacrifice, we are at last able to step in and save what survives, and it should be unnecessary to quote Blue-books and precedents to prove that the maintenance of any Ottoman authority in the affairs of Armenia would vitiate the whole scheme.

We are sure to hear a great deal about the liberalism of the Turk in the near future, but centuries have proved that he is incapable of reform. He is mere appetite, destroying what he cannot consume. Apart from its iniquity, his policy of extirpation has been a species of economic suicide, for it has killed the seeds of productivity. Fertile lands lie sterile under the dead hand of the Turk, whereas the Armenians are among the most practical, intelligent, industrious, and prolific races of the East. Each one of these qualities has been a count in the Turk's indictment

of them; but whether in the character of civilizing agents, or as the seed of material regeneration, they are the only possible inheritors of the soil which is historically their own.

In a few months the New Armenia should be a reality. The lifting of the dreadful shadow in which the country has been shrouded is the greatest service that the war has done for civilization in the East. Full reparation is impossible, but the liberation of a people whose name has become synonymous with martyrdom, and who have long been threatened with extinction, will have been achieved. The extraordinary endurance of the Armenians under persecution, their faithfulness to their nationality and religion, is a certain pledge of the future solidarity of the race.

## III

THE ALBANIAN QUESTION<sup>1</sup>

BY MEHMED BEY KONITZA

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At last we have reached the end of the terrible war which for over four years has drenched humanity with blood.

Begun, as it was, by lust for territorial and commercial conquest, it will finish by the triumph of justice. Had not Imperial Russia collapsed, she would have extended her bear's paws, crushing the weak and threatening even her Allies. But Russia's collapse permitted Germany to carry out her program, and in either case the safety of nationality was imperilled.

Europe, the enemy of all innovation, clinging to her old diplomacy, was unable to change her system. America has fortunately saved the situation by coming forward on the side of the Entente, which preached democracy without entirely believing in its triumph.

<sup>1</sup> We reproduce herein below the text of a small but very learned and comprehensive review of the whole Albanian Question as circulated throughout Great Britain, in pamphlet form, by Mehmed Bey Konitza. Its author has been in London ever since the beginning of 1916 to represent in England the Pan-Albanian Federation of America "VATRA."

Mehmed Bey Konitza is one of the foremost nationalist leaders and he held for a short time the post of Albanian Minister to Greece under the government of the Prince of Wied. Shortly after he was appointed to represent his country in the International Commission of Control for Albania, and on its dispersion he went to London as delegate of the Vatra.

President Wilson has entered the arena and has begun slowly but firmly to calm its passions.

The complete debacle of the enemy's camp is due as much to the moral effect as to the material force of the Allies. President Wilson's principles have gone straight to the hearts of the peoples as a ray of consolation and hope, in the lands not only of the Entente but of the Central Powers also.

It is true that the problems to be solved in Europe are complex and difficult. But one thing is certain, and that is that no lasting peace can be made unless the solution of these problems is based upon the principles of nationality.

It is therefore the duty of the governments of the Great Powers to study the problems of race attentively and impartially before attending the Peace Conference.

One of these questions—one indeed which ought to command the serious consideration not only of statesmen but of all those who have any influence upon the redrawing of maps and the destinies of peoples—is the Albanian Question, a question which is little understood, and which appears to be small, but which is nevertheless of the greatest importance. It is big with consequences, and if those whose duty it is to consider it persist, as in the past, in regarding it from the standpoint of foreign aspirations, and not from the point of view of the Albanian people and public interest, those consequences may prove disastrous.

It is in order to facilitate the study of our national question that we present the following short account of our history, our position, and our national aspirations, and we ask only that they may be considered



impartially and carefully before any judgment be formed.

The Albanian population may be reckoned at about two and a half million souls, the large majority of whom inhabit the southwestern portion of the Balkan Peninsula.

The Albanians belong to three religions: the Roman Catholic Church, the Greek Orthodox Church, and to Islam. The Mohammedans exceed in number both the Catholics and Orthodox put together. The members of these three faiths all live together, but the Catholics are more numerous in the north and the Orthodox in the south. The Mohammedans are found everywhere, but form compact masses in the center of the country.

Among the many falsehoods which have been circulated with the object of proving that the Albanians cannot form an independent state, are the statements that they are divided by religious differences, and that they do not all speak the same language. Religion having always and everywhere exercised a great influence on the mind of man, and being even today a frequent cause of division in West Europe, the lies which have been spread about the religious differences of the Albanians have, not unnaturally, been widely credited. Nevertheless, Albania is perhaps the only country in Europe where religion has produced no dissensions among the inhabitants, who have remained united at every period of their national history.

Lady Mary Wortley Montagu, in her celebrated letters, writing in 1717, describes vividly the Albanian guard which escorted her on her journey across Tur-

key, and mentions as a unique fact that the Albanians make no distinction between Christians and Moslems.

Marriages between Christians and Mohammedans are common in Albania, in spite of the fact that they are contrary to the respective religions. Christians and Moslems may be found in the same family, dwelling amicably under one roof. There are Christian chiefs to Mohammedan clans, and *vice versa*. Impartial observers have, in fact, written much that is true upon this fact. It will suffice to quote one official document, which destroys the legend of religious dissension.

Monsieur Aubaret, the French Commissioner at the Eastern Roumelian Commission on the affairs of Turkey, in 1880, presented the following memorandum on the Sandjak of Scutari: "The people live together in perfect harmony. They are Albanian before everything. If it be true to say that the Catholics are sincerely attached to their religion, it is none the less true that for them, as well as for their Mohammedan compatriots, national sentiment, love for their land and respect for their ancient customs take the first place beyond all else. The spirit of dignity and independence, possessed alike by all Albanians, is strengthened among them by their markedly warlike characteristics. It is thanks to their indomitable vigor that in spite of the frequent endeavors of the Sublime Porte, these mountaineers have succeeded in preserving, almost intact, the privileges which they have enjoyed from the earliest times."

The Greeks, Serbs, and Bulgars who, in large numbers, have been converted to Islam, have renounced their nationality and have indeed out-Turked the



Turks. The Albanians have remained Albanians throughout.

The language question is even simpler. One and the same language is spoken by the Albanians from one end of the country to the other, from Mitrovitza and the northern mountains to the Gulf of Arta and eastward through Macedonia.

That in this wide area dialectical differences are to be found which puzzle the stranger, is but natural. A foreigner, even if he knows English well, is equally unable to understand the popular speech of Northumberland or Somerset. To us Albanians the dialect of the Gheg (in the north) and the Tosk (in the south) present no difficulties at all. The language is one and the same. It is, moreover, one of the oldest languages in Europe, and our people have clung to it tenaciously in the face of much enemy opposition. A short sketch of our history will make this abundantly clear.

We first hear of our ancestors from classical authors who describe and give the names of many of the independent clans who inhabited the Balkan Peninsula when its history dawns. All authorities agree that they are not Greek. The Greeks, in fact, designated them "barbarians." The main groups formed by these clans were known as Macedonia, Illyria, and Epirus. The inhabitants of all three, so Strabo informs us, spoke the same tongue and had similar customs.

The very name of Macedonia, formerly known as "Emathia," derives in all probability from the Albanian word *E Madhia* (the great). As for Illyria, "*liria*" in Albanian means "freedom," and we Albanians interpret it as "land of the free."

Strabo gives specimens of the language in his day, and also place-names, and their strong resemblance to modern Albanian justifies us in believing our language to be the direct descendant of that spoken by Alexander the Great of Macedon and of King Pyrrhus of Epirus.

In old days Illyria and Epirus together extended from the neighborhood of Trieste to the Gulf of Arta, the north side of which, as Strabo particularly informs us, was inhabited by the Epirotes, and the south by Greeks. Inland the Illyrian and Epirote land spread widely. Thus, all that we now know as Bosnia, the Herzegovina, Montenegro, and a large part of Serbia, was comprised in Illyria, as well as modern Albania.

The inhabitants of the Dalmatian coast harried the Roman shipping, and thus brought about war with Rome, struggles which lasted, indeed, some two centuries. "The difficulty," says J. B. Bury, the eminent historian, "experienced by the Romans in subduing and incorporating into the Empire these brave tribes is well known."

That the Illyrians had already reached a considerable pitch of civilization is proved by the numerous weapons and ornaments found in the pre-Roman graves throughout Bosnia, Serbia, and Albania. The Illyrians were, it appears, among the first to manufacture and export iron.

The Romans, as usual, founded colonies, built towns and made roads—traces of which still exist. But the native population seem to have retained local autonomy under their own chiefs. The clansmen, moreover, displayed the keen intelligence which is their birthright. The conquered became the rulers. Con-

stantine the Great, Diocletian and Justinian, as well as other Emperors of less note, were of native blood.

Christianity arrived early in Illyria. "Round about Illyria," says St. Paul, "have I fully preached the Gospel of Christ." The Albanians claim him as the first missionary among them. Illyria formed part of the Patriarchate of Rome at an early date, and a large number of the North Albanians (Ghegs) are faithful to Rome to this day. Scutari and Antivari have been bishoprics since the fourth century.

The Roman Empire in the East was repeatedly invaded by hordes of barbarians from beyond the Danube. The Avars devastated wide tracts, and after them came the Slavs. These, the ancestors of the Serbs, Montenegrins, and Bosniaks, swarmed in in overpowering numbers. They settled first in some districts depopulated by the Avars, and by the seventh century were widely spread in the Peninsula. They were a tribal and a pastoral people, and, taking possession of the rich plains for their flocks, they drove Roman civilization to the coast of the Adriatic, where it has never completely died out. Of the native Illyrian population, that of the north disappeared. But southward the Illyrians defended themselves in the mountains of modern Albania, and there they preserved their language and customs uninterrupted, up to the present day, against all comers.

The Slavs, being a pagan people, swept away Christianity in the districts they occupied. Nor were they as a whole converted till the ninth century, and then by missionaries from Salonika. When the final separation between the Eastern and Western Churches took place in 1054, the Slavs threw in their lot with Byzantium.

The Christians of North Albania, after some wavering—due to Slav pressure—have, it would appear, remained faithful to Rome throughout. The South came more and more under the influence of the Eastern Orthodox Church and adopted it.

The history of the Balkans is one of many warring races. The Serbo-Albanian enmity dates from the arrival of the Serb's ancestors into the Peninsula. But the Serbs were not the only foe with which Albania had in early days to contend. Following swift on the coming of the Serbs, came the Bulgars, a warrior people, led by their king. They subdued the Serbs and even threatened Byzantium. The Greco-Bulgar hatred dates from the days when the history of Byzantium was a long and bloody struggle between Greek and Bulgar. Albania, too, suffered. The great Bulgar Czar Simeon, in the tenth century, ruled an Empire which included most of Serbia and a large part of Albania. But all the medieval Balkan Empires were short-lived. They were compounded of many inimical elements, and broke to pieces soon after the death of the conqueror that made them. Big Bulgaria was broken up in the eleventh century. Nor did the second great Bulgar Empire of the thirteenth century leave any permanent mark in Albania, save a few place-names, though Czar Asen II ruled from the Black Sea to the Adriatic, and included all Albania as far as Durazzo in his Empire.

Not till the fall of the second Bulgar Empire did the Serbs play an important part in Balkan affairs. A tribal people, they had been weak before the united Bulgar force. In the twelfth century they united under the rule of the remarkable line of Nemanya princes, and established the Kingdom of Rashia and



extended it rapidly. Rashia, in Albanian, means plain. It is possible, therefore, that Rashia was the original Illyrian name of the plains of Kosovo. The Serbs were, in fact, known by the name of Rashians even into the eighteenth century.

Each of the Nemanya kings extended his realm by conquest. They spread over North Albania and seized Scutari. Scutari, the capital of North Albania, is one of the oldest capitals in Europe. It is first mentioned under its native name of Scodra in 604 B. C. And as Shkodra it is known still to all Albanians. The name of Scutari was given to it by the Venetians in the thirteenth century.

That the Albanians were, when conquered by the Serbs, Catholic, is evident from contemporary accounts. In 1321 they appealed to Charles of Anjou and to Filippo of Taranto to force the Serb King Milutin to respect their religious rights. In 1332 the French friar, Père Brochard, describes the land and people. "It is inhabited," he says, "by two peoples, the Albanians and the Latins, who both belong to the Church of Rome. The Albanians have a language quite other than Latin. . . . They have four Bishops under the Archbishop of Antivari. . . . Both these peoples are oppressed under the very hard servitude of the most hateful and abominable lordship of the Slavs."

That the friar did not exaggerate is shown by the extremely severe laws enacted against the Catholics by the great Czar Stefan Dushan in 1349 in his celebrated canon. Here we find that those of the Latin heresy who refuse to be converted are punishable by death, as are also Latin priests who attempt to convert anyone to the Latin faith. And so forth.



These laws doubtless served to further exasperate the hatred between Serb and Albanian, for to the bitterness of conquest was added religious persecution.

During the twenty years of Stefan Dushan's reign, Serbia was indeed great. It included almost the whole Balkan Peninsula, and Dushan was planning to seize Byzantium when he died suddenly (1356). On his decease, great Serbia rapidly fell to pieces.

Albania was among the first districts to break loose. Led by local chiefs, we soon find the Albanians fighting against Marko Kralyevitch, the popular hero of the Serbs, and taking from him not only the towns of Ochrida and Kastoria, which he had recently taken from the Albanian chief, Andrea Musaki, but also Ipek and Prizren. Nor was great Serbia ever again reconstructed. The Balkan Peninsula was invaded by a foreign foe—the Turks.

The Turks, we should not forget, came first as the allies of the Greeks against the Serbs. On their arrival, the Peninsula was a struggling mass of rival races in which none was supreme, and they were thus an easy prey. The Balkan peoples were so occupied by their own differences that they did not realize the Turkish danger till too late.

In 1389 Lazar, who was Czar of a very small Serbia, summoned a large army of Serbs, Albanians, and Bosniaks (Bosnia was now an independent kingdom), and met the Turks on the field of Kosovo. Rival Serb chieftains were at this time struggling for supremacy, and one of them—the Czar's own son-in-law, Vuk Brankovitch—deserted, with all his men, to the Turks. This gave the victory to the Sultan, and established the Turk in Europe until today.

The Serbs accepted Turkish suzerainty and were ruled for some time by descendants of the traitor Brankovitch.

But the Albanians offered a long and stubborn resistance. Venice aided them. For some time the Venetians had been creeping down the Adriatic coast and founding trading ports. Their relations with the Albanians were good, and intermarriage of noble families took place. Together the Albanians and Venetians fought the Turks.

In the mountains at this time there were many notable Albanian chieftains. The Dukagini ruled over a large part of the northern mountains, which still bear their name. Lek Dukagin is famed as the author of the Code of Mountain Law which still exists. The Dushmani family ruled in the Pulati mountains, where the Dushmani clan still dwells. Gropa ruled at Dibra, and the Topias ruled all Central and Southern Albania.

Then it was that Albania's greatest leader, George Kastriot, called Skenderbeg, appeared as the champion of our nation and of Christendom. He was one of the great warriors of history. The Turks who invaded South Albania reached and attacked his father's town of Kroya. George was then a child, and he and his brothers were carried off as hostages. The other boys are reported to have been poisoned. George, who was remarkable for courage and intelligence, was brought up as a soldier and a Moslem. But on his father's death he seized an early opportunity to throw off both the Turks and their religion, and rode away to Ochrida, where he recruited some followers. Thence he reached Kroya, where he was joyfully hailed as King, and put himself at the head

of the Albanian forces. His courage and skill were amazing. For twenty-four years he kept the Turks at bay. Two successive Sultans sent huge armies against him in vain. His realm extended into Macedonia, and Ochrida and Dibra too were his towns. Bitter was the grief of all Albanians when, in 1913, Dibra, one of Skenderbeg's towns, was given by the Powers to the Serbs.

But the enemy pressed upon Skenderbeg with increasing force. He went to Rome to beg help. Pope Pius II summoned the Princes of Europe to a crusade which should combine its forces with those of Skenderbeg under the command of the latter and drive the Turk from Europe. Though weak and ill, the old Pope enthusiastically declared that he himself would accompany the army. But the Powers of Europe—not for the first or last time—were torn by jealousy. It was opined that the eviction of the Turk would most benefit Venice, and many were reluctant to fight for the aggrandizement of Venice. The Pope in vain urged that this view was unchristian. He went to Ancona to await the arrival of the troops, and there he died. No help came to Skenderbeg. As an old man, he again appealed to Rome, and Pope Paul assisted him with money and supplies. But no army came to reinforce him. Nevertheless, he struggled on with his valiant men and remained unconquered till he died of fever at Alessio in 1467, aged 63. The Sultan, on hearing of his death, cried triumphantly: "Asia and Europe are mine at last. Woe to Christendom! She has lost her sword and shield!"

There was no chieftain capable of replacing Skenderbeg. Deep was the mourning for him. "Crowds

of maidens," says Sabellicus, "though surrounded by the din of battle, assembled every eighth day in the principal cities and sang hymns in praise of the departed hero." The nation resisted the overpowering force of the Turk for yet another ten years.

Scutari, bravely defended by the Albanians and Venetians, fell in 1479, after a terrible siege. And the Turks then soon overran the whole land. Numbers of Albanians fled to Italy, where 104 Albanian-speaking villages exist to this day.

The mountain chiefs long hoped for help from Venice, and sent many appeals thither. But Venice, too, was hard hit by the Turks, and sent no assistance. There was nothing for it but to accept Turkish rule. From the beginning the Albanians had contrived to retain local autonomy. In the seventeenth century many began to go over to Islam. But, as above stated, unlike the other Balkan peoples, when Mohammedanized they retained their strong sense of nationality. No sooner did the Moslem Albanian chiefs rise to power than they began to work for independence. The Albanians, both Moslem and Christian, descended from the mountains and began a struggle to retake the plains from which their forefathers had been driven by the conquering Serbs. Bit by bit they regained territory and settled upon it.

Attacked by the Albanians on the one side, and oppressed on the other by the Turkish government, and oppressed also by the Greek Church—which strove ever to replace the Serb and Bulgar churches by Greek ones throughout Turkey in Europe—the Serbs of Kosovo, led by the Patriarch of Ipek, decided to emigrate and moved in vast masses into Austria, where they were given land in the Banat by the Emperor.



The Albanians speedily resettled the vacated lands, occupying the whole of the Kosovo district as far as Mitrovitza and northeast as far as Nish and Uskub. Eastward they spread as far as Monastir, and the greater part of the Moslem villages of Macedonia are Albanian. In truth, they thus retook a great part of their ancient Illyria and Macedonia. Christian and Moslem united to preserve and maintain their customs, rights, and language, and brooked but little Turkish interference.

Nor was it long before the Albanians struck for liberty. Ali Pasha, who was born in 1740, began his career in Turkish service. Made Governor of Janina, he extended his rule by degrees, rapidly gained followers and popularity, and made himself ruler of the whole of South Albania as far as Preveza and Arta. A practically independent Prince and a skilled diplomat, he had representatives in foreign lands and entered into negotiations. He had many dealings with England, and strove to gain her support. Contemporary travelers note the order that he established, and his organizing capacity.

At the same time the Bushatli family, the hereditary Pashas of Scutari, likewise rose to power, extended their Pashalik largely by conquest, and were soon a menace to the Turks.

The Sultan objected strongly to this threatened rise of Albania. A Turkish force was sent against the Bushatlis and was defeated, which still further incensed the Turks. Waiting their opportunity, they fell upon Ali Pasha when he was a very old man. A large force successfully besieged him in his palace on the Lake of Janina, took both him and his sons prisoners, beheaded them all, and sent their heads



to Constantinople in 1821. South Albania then, fell entirely into Turkish hands.

The Bushatli Pashas ruled yet awhile in the north. In 1829 the Russians attacked Turkey, and the Pasha of Scutari seized the moment when the Russian army was approaching Constantinople to march also against the Turks. Unfortunately, the Russian general mistook the Pasha's object and believed him to be coming to reinforce the Sultan. He therefore concluded a hasty and unexpected peace which left the Turks free to throw the whole of their forces against the rebellious Pasha. A large Turkish army fell upon North Albania and ravaged it, killing or sending into exile all the leaders and exiling the Bushatlis to Asia Minor. Turkish governors were appointed everywhere, and Turkish garrisons placed in the larger towns. All Albania thus fell under Turkish rule though the mountain clans retained their autonomy throughout. But quiet was there none.

The beginning of the nineteenth century was a time of great stress and struggle in the Balkan Peninsula. Repeated attacks by the Russians and Austrians, who each pretended they were animated by a desire to free the Christians from Turkish rule, and were in truth aiming only at territorial gains, had greatly weakened Turkish power and roused, too, the hopes of the subject peoples. Serbia rose first and, with the aid of both Austria and Russia, attained autonomy. Greece rose shortly afterward and, also with European help, obtained her freedom.

The Greeks were greatly helped, too, by the Albanians of the south, of whose valor Lord Byron tells. In return for this help they hoped that Greece

would aid them, too, when their time came. But Greece has known no gratitude. Far from aiding Albania to gain freedom, Greece has had but one object, and that is to obtain more and more of Albanian territory. The hatred of the Albanian for the Greek is therefore as intense as his hatred for the Serb.

We Albanians wish only to dwell in peace with our neighbors, but this we cannot do so long as these neighbors strive and intrigue to annex Albanian territory.

Imperial Russia has been Albania's worst foe, for, aiming always at hegemony in the Balkans, she has supported every Slav claim to territorial aggrandizement at Albania's expense.

In 1876-1877 came the supreme Pan-Slav effort. Much as Albania detested Turkish rule, she found herself forced to fight on the side of the Turks in order to save her own lands from Slavonic aggression. The Turks, however, were beaten. Russia's terms were hard. The Treaty of San Stefano did not even recognize the existence of Albania. Large tracts of it, including the wholly Albanian town of Koritza, were by this treaty allotted to Bulgaria. The Treaty of San Stefano was overthrown by the Powers, but the Treaty of Berlin which replaced it was but little better. It has, in fact, been called the "Treaty of Albania's Burial." Koritza was saved, it is true; but large tracts of Albanian-inhabited lands were given over to Serbia, Montenegro, and Greece. It was monstrously unjust.

The Albanians seized their arms and formed the Albanian League, whose center was at Prizren, but whose branches spread throughout the land.

By order of the Powers, their resistance was crushed by the Turkish Army, but not without severe fighting, in which more than one Turkish general lost his life. Nevertheless, the Albanians managed to save much territory in the north. Their seaport of Dulcigno, a wholly Albanian town, was, however, torn from them by a naval demonstration of the combined Powers—surely the most disgraceful example of how a powerful armed gang can bully a small nation that history relates.

Albania's rising was by no means fruitless. She succeeded in retaining all her southern territory and also in attracting the attention of some impartial judges.

In 1880 an International Commission, called the Eastern Roumelian Commission, was appointed to regulate the affairs of Turkey. Great Britain was ably represented by Lord Edmund Fitzmaurice, who recognized the important fact that if peace were to be permanent in the Balkan the rights of each nationality must be considered. Convinced, after careful examination, that the Albanians had been treated with great injustice, he made strong representations on the subject, and recommended the immediate formation of a large and autonomous Albania, which should become independent on the break-up of the Turkish Empire in Europe. Having caused inquiries to be made about the population of the various vilayets, he recommended that the state of Albania should consist of the whole of the vilayets of Scutari and Janina, the larger part of the vilayet of Kosovo, and a large part of the vilayet of Monastir. In this scheme he was strongly sup-

ported by H. B. M. Ambassador at Constantinople, Lord Goschen.

The formation, however, of an independent Albania did not suit the ambitious plans either of Austria or of Russia. And, unfortunately for Europe, nothing was done save to recommend certain reforms to the Turks.

The Albanian question remained and remains unresolved—a menace to future peace.

Though by means of the Albanian League a certain amount of Albanian territory was saved, yet the Treaty of Berlin resulted disastrously for Albania.

Among other places, it gave the town and district of Vranje to the Serbs, who at once proceeded to forcibly evict the whole Albanian population and confiscate their property. Wholesale confiscations and evictions took place also in the districts given to Montenegro. And in none of the annexed districts were any of the Albanians who remained allowed schools in their own language. They had to choose between denationalization or emigration. Albania was now in an evil plight. Not only her neighbors, but the Turks, too, conspired to crush her nationality and prevent the development of national aspirations.

The Turks, having broken the power of the Albanian Pashas, held the land in an iron grip. Other Balkan races, when they awakened to the necessity for education, received the support and assistance of the Powers. Russia in particular spent lavishly on Slav propaganda.

This had taught the Turks that the formation of national schools was followed by a speedy uprising of the subject peoples. They therefore forbade, under heavy penalties, the teaching and printing of the Al-



banian language. And in order to denationalize the Albanians they permitted the Greeks to open schools for the Christians, while they themselves started Turkish schools for the Moslems. The results are not those which were anticipated. Albanians trained in foreign schools are some of the most enthusiastic nationalists. Nor can they easily forgive the falsehoods with which it was attempted to poison their minds as children, when Greek teachers even told them that it was useless to pray in Albanian, for Christ would not understand them. A certain Greek admitted to the writer a few years ago the failure of these efforts. "We have reared," he said, "serpents! The Greek schools, instead of creating for us Greek partisans in Albania, have created our worst foes."

We pointed out in reply that, as several centuries have failed to change the language and national sentiments of the Albanians who live in Greece, in spite of the efforts of the Greek schools in which Albanian children are forbidden to speak their mother tongue, it was mere folly to suppose that a few Greek schools in Albania could possibly influence the national and patriotic feelings of the inhabitants.

King Constantine gave the writer an overwhelming proof of the fact that the Albanians of Greece retain their national feelings. "During the Balkan war," said the King, "the Greek navy disembarked marines on the coast of Epirus for the purpose of attacking the Albanians. But a large part of the Greek navy is recruited among the Albanians of Greece, and two whole battalions of marines so soon as they found themselves face to face with their brother Albanians, promptly deserted without firing a shot. National sentiment proved to be stronger than duty." King



Constantine would certainly not have imparted this interesting fact had he suspected that we were unaware of it.

Albania's struggle to obtain national education in the face of difficulties merits a chapter in the history of education. Here we can relate it but briefly. Books and papers printed in London, Brussels, and Bucharest were smuggled into the country at great risk and eagerly studied, in spite of the fact that anyone found in possession of such works was liable to even fifteen years' imprisonment. Many people, both Moslem and Christian, studied their own language from the Gospels and the Book of Genesis which were published in Albanian by the British and Foreign Bible Society and circulated with great difficulty. Schoolmasters found guilty of teaching Albanian were severely punished—in some cases the extreme sentence of fifteen years being inflicted. But the Albanians did not relax their efforts.

In South Albania the Americans, to whom Albania is deeply indebted, opened a Girls' School at Koritza which was protected by the great Republic. This was a center of national enthusiasm. The girls taught their brothers to write their mother tongue. In the north education was better provided for. Both Italy and Austria, being anxious to obtain influence there, opened schools for boys, girls, and infants in Scutari and Durazzo. And the Abbot of the Mirdites started a school in his mountains.

The Albanians took every advantage of the foreign schools. But though very grateful for the help afforded by them, no such bribes have induced them or will induce them to wish to change their nationality or become the subjects of any foreign

power. As for the Albanians who have received their education outside of Albania in English, French, American, Italian, Turkish, or Greek schools, they may be reckoned as many thousands.

Such was the situation of Albania when the Young Turk revolution took place in 1908. To this the Albanians at first lent their hearty support, believing that it meant equal opportunities for all races. They were soon undeceived. The Young Turks began a policy of forcible Ottomanization and the Albanians rose against it.

In 1912, after three years of fierce struggle, the Turkish government realized that all attempts to forcibly denationalize the Albanians were vain and that they must be granted national recognition. Albania was at last on the point of gaining autonomy within her ethnographical limits.

These limits are as follows: Starting from Dulcigno and passing across the Lake of Scutari along the ancient Montenegrin frontier, Albania should include all the northern mountain clans of Triepshi, Hoti, Gruda, Klementi, Kastrati, and Shkreli, together with all the Pulati clans. The frontier line should be drawn so as to include Ipek, Mitrovitza, Prishtina, Guilan, Katchanik, and the western part of the former vilayet of Monastir, which should include Ochrida. Thence the line should continue south along the side of the Lake Presba, and pass near Florina and Kastoria, including all Albanian-speaking villages. For reasons which follow, the Pindus district should form part of the Albanian State. The frontier should thence be drawn to the River Arta and follow it to its mouth. That this was the southern limit of Al-

bania in the first century is clearly defined by Strabo. "On sailing into the Gulf," he says, "on the right are the Arcanianians, who are Greeks. On the left are the Cassipoei, a tribe of the Epirotes, extending as far as the recesses of the Gulf." All the territories lying between these points and the sea constitute Albania historically and ethnographically. The inhabitants are identical in language, customs, and traditions, with the exception of a small minority of Kutzovlahs and Greeks.

The scheme for Albanian autonomy was actually set on foot by the Turkish government. But this did not suit the already matured plans of the Balkan States, each of whom had planned to obtain territorial aggrandizement at Albania's expense. Serbia, Montenegro, Greece, and Bulgaria threw themselves upon the Turks in order to obtain portions of Albania before she should have time to establish herself. Ostensibly these States rushed to war in order to liberate oppressed nationalities. In truth, each was actuated by the hope of proving stronger than its neighbor and thereby securing the lion's share of the plunder, especially parts of Albania.

The Albanians found themselves in a peculiarly difficult position. They wished to defend their own lands, but they had no desire to fight for the Turks. The Turks mistrusted them because of their recent revolts, and would not supply them with either arms or ammunition, and they possessed but small supplies. They decided to remain neutral, and for the most part resisted only when attacked, and hoped, by proclaiming their neutrality and hoisting the Albanian flag, to obtain European recognition. But they were invaded by three of the Balkan armies.

The second Balkan War, during which the Balkan allies fought one another for the plunder, soon followed. The Carnegie Commission of Inquiry has sufficiently described the horrors and atrocities committed by these self-styled "liberators" on the populations they purported to set free.

Italy and Austria, both having interests in the Adriatic, protested against the entire dismemberment of Albania, and called on Europe to recognize her independence, as did also very emphatically we Albanians. And on January 1, 1913, the Ambassadors of the Great Powers at the Conference of London decided upon creating Albania a neutral and independent State. But the Great Powers—not for the first time in their history—came under the malign influence of Imperial Russia, who intervened and insisted upon the cession of much Albanian land. Her voice was dominant at the Conference. Albania emerged free but badly mutilated. Regions populated by compact masses of Albanians, numbering in all some million and a half souls, were annexed to the Kingdoms of Serbia, Montenegro, and Greece, all of whom had previously violated Albania's neutrality and occupied her territory.

The Great Powers created Albania as an independent neutral State and took it under their protection. They decided that they would aid and guide its first steps. But all they did was to appoint an International Commission of Control, which did almost nothing and kept none of its promises, and to appoint a Prince without giving him any assistance.

Before Albania had time even to organize gendarmerie, the Greeks attacked and occupied a large part of South Albania, and the Commission looked on and



took no steps, while Greek irregular bands and troops armed with artillery burnt and pillaged the villages and massacred the inhabitants. Between Tepeleni and Koritza three hundred villages were burnt. And in order to force the population either to starve or emigrate, the Greeks burnt even the standing crops in the fields. The Albanians, who had no artillery and were poorly armed, fought bravely, and for a time were victorious; but the Greeks were reinforced by further troops, and the Albanians were forced to withdraw. Thousands of starving refugees crowded to Valona in the last stages of misery. But the International Commission, beyond supplying a little bread, took no steps.

While Albania, already plundered and devastated in the war of 1913, was struggling against Greek aggression and foreign intrigue and propaganda, the present world-war broke out.

Scutari for over a year had been occupied by international forces under the able command of General G. F. Phillips. So soon as the world-war was imminent these forces quitted Albania. The French remained rather longer than the others, but they, too, soon went over into Montenegro. Scutari had been completely disarmed during the international occupation, and was thus left quite defenseless.

The Prince Zu Wied, who had been selected by the Powers as ruler of Albania, retired on September 3, leaving the government of the country to the International Control Commission, all the members of which also departed shortly.

The Italians, who had not as yet entered into the war, might then have protected Albanian neutrality and thereby gained the lasting gratitude and friend-



ship of Albania; but they contented themselves with occupying the Albanian island of Sasseno and then—in December, 1914—militarily occupying Valona.

The Montenegrins, though ostensibly engaged in opposing Austria, poured their troops into defenseless Scutari and remained there. No protest was made by the Powers for this unprovoked violation of the decision made by them in 1913 when they unanimously declared Scutari to be Albanian territory.

The Serbs also entered Albania for a short time, but withdrew again. Then came the debacle of the Serbs and their flight across the Albanian mountains into Scutari. This was fatal for Albania. The Austrian and Bulgarian forces poured into Albania in pursuit of them. All members of the Entente departed, and Albania was left to her fate. The Bulgars withdrew, but three-quarters of Albanian territory have been militarily occupied by Austria until the last few weeks.

Meanwhile, Italy had advanced in the south and occupied Tepelen and Argyrokastro.

The Greek troops of King Constantine had poured into South Albania and were using Koritza as a center through which Austrian and German couriers could pass to or from Athens. They exported the foodstuffs, and the Albanian population was reduced to great straits. The French reached Koritza in December, 1916, evicting Greek troops; and at the request of the inhabitants of the whole district hoisted the Albanian flag at Koritza and proclaimed it an Albanian Republic.

The Italians extended their occupation, and on July 3, 1917, General Ferrero at Argyrokastro proclaimed

the independence of the whole of Albania under the protection of Italy.

Such is Albania's history. The waves of successive Empires have passed over her, and her people have remained staunch. The rule of Rome and of Byzantium have passed. The Balkan medieval Empires were a mere ripple on the waters of time. The flood-tide of the Turkish Empire has ebbed, and Albania remains as a granite crag above the troubled waters.

We must now consider the land itself and present circumstances.

What is this land we Albanians love so much and which foreigners covet so much? It is situated in a valuable and desirable spot. Its port of Valona is one of the keys of the Adriatic. Not only is it strategically desirable, but it also contains fertile plains, well-forested mountains, and good pasture for flocks. It has more than one harbor, and its mineral wealth is as yet unexploited.

Small wonder that many powers have struggled and intrigued to gain possession of it. No power, however, would like to see another possess it. And when thieves fall out, honest men come by their own. So may it be with Albania!

It is obviously undesirable to hand over Albania entire to any one power. But the partition of Albania between several powers without consideration of the will of the people and the rights of nations is equally certain to lead to fresh trouble. Continual and bloody fights would be certain to arise between Albania's new masters, which would be fostered and encouraged by the Albanians, who would seize the opportunities thus afforded and arise and strike out for their own independence. This is proved

by the fact that the division of a large part of Albania among the Serbs, Greeks, and Montenegrins by the Conference of London has but exasperated the hatred already existing between Bulgar, Serb, and Greek. They fought each other, in fact, about Albanian territory—territory to which they have no right whatever.

In order that the peace of Europe may be maintained, it is in the highest degree undesirable that the Albanian coast should fall into the hands of any Great Power, who would make of the Adriatic a closed lake—and consequently a naval base—which would be a constant menace to the Mediterranean.

Let us now consider upon what foundations the claims of Albania's neighbors are based.

We have seen that toward the end of the seventeenth century the Serbs emigrated *en masse* from Kosovo vilayet and left it to its original inhabitants, the Albanians, who at once reoccupied it. Since that time a certain number of Serbs have filtered back into the region, but they have always formed a very small minority, as the reports of many travelers testify. Today—sad to relate—even this minority has almost disappeared under the occupation of Austria, who reckoned on keeping this district for herself. The claims of the Serbs are based only on ancient conquest. They were in truth rulers in Albania for only a part of the Middle Ages.

That the numerical superiority of the Albanians was and is an accepted fact, we may see from the following Report on the Population of North-East Albania made by Mr. Alvarez, of H. M. Consulate at Constantinople, August 27, 1880.

"The races which inhabit this district, which *politically comprises the greater part of the vilayet of Kosovo and part of that of Monastir and the whole of Old or Turkish Serbia*, are the Albanian and the Serb. . . . Of the two, the Albanians are numerically far superior to the Serbians. . . . The Albanian element in the Kosovo vilayet has recently been further increased by the accession of many thousands of refugees from districts now, in virtue of the Treaty of Berlin, in Serbian possession, which, prior to the late war, were exclusively inhabited by the descendants of twelve Gheg tribes which at a remote period emigrated from upper Albania. . . . The natural hatred existing between the Arnaouts (Albanians) and the Serbians of the principality, fanned by the late war, has been intensified by the expulsion of Ghegs (North Albanians) in large numbers from the territory lately acquired by Serbia."

The Serbs themselves recognized that the Albanians formed the bulk of the population. The Serbian delegate, Colonel Jovanovitch, wrote a letter to the Commission delimiting the frontiers on November 4, 1878, requesting that the frontier should not be drawn along the left bank of the Truava, as it "would offer to the neighbor State a view of Vranje, which would continually be threatened by a surprise attack, an impossible defense and a sudden invasion of the Albanians." Vranje was on the ancient Serb frontier prior to the wars of 1912-1913.

Who were these Albanians from whom Colonel Jovanovitch feared sudden invasion? They were the Albanians of Kosovo vilayet, who then formed the overwhelming majority of the population and who today, if reports be true, form the entire population.



That the Serbian government recognized in 1913 that these lands were not Serbian is amply proved by the fact that, in order to subjugate a million Albanians and perhaps also a million Bulgars, they drew up a series of laws for the annexed districts which are almost unequaled for severity.

*Le Règlement sur la Sécurité Publique*, published on September 21, 1913, and signed by King Peter, proves only too clearly that Serbia was dealing with a completely foreign population, which was ready at any moment to revolt against the Serbian yoke.

Bulgaria's claims on Albania are yet more fragile. They are based only on the fact that the Bulgars invaded Albania in the tenth and thirteenth centuries and were forced to retire from it.

As for Greek claims, they are not even based on historical conquest, for the Greeks have never conquered any part of Albania in the old days. They were, on the contrary, conquered by Albania's ancestors, the Macedonians. When they demand Epirus, which is simply South Albania, they base their claim entirely upon religion and upon the schools which, as we have above described, the Turkish government permitted them to open in the district.

Great trouble has arisen in the Balkans from the fact that at the time of the Turkish conquest the Turks recognized the Greek Patriarch as Head of all their Orthodox subjects. Ever since that fatal day the Greeks have claimed all members of the Orthodox Church who were Turkish subjects, as "Greek." In former days, on these grounds, they claimed the whole of Macedonia, regardless of the nationality of the inhabitants. They displaced all the Bulgar and Serbian



bishops, and even destroyed Slavonic books in the monasteries. In Greek eyes, all Orthodox are Greek. The Pope might with equal justice claim all French and English Catholics as Italians.

In North Epirus, which was recognized as Albanian by the Conference of London, the Greeks know very well they have nothing to hope for. They continue to demand this district because they hope by so doing to shut the mouths of us Albanians and to prevent us from demanding the restitution of South Epirus, which the Conference of London presented to Greece.

In South Epirus, starting from Cape Stilos, that is to say from the Albanian frontier as drawn by the Conference of London, as far as Preveza, the whole coast to a depth of about forty kilometers forms the province of Tchameria, which is inhabited by a solid Albanian population. Here the Greeks have endeavored to sow discord between the Christian and Moslem Albanians, and thus to stifle a national movement.

In South Epirus, to the east of Tchameria, there are some Greek villages consisting either of Greeks who have settled there for commercial reasons or of Grecized Kutzovlahs. But they form a minority when compared to South Epirus as a whole. Even in Janina, the capital of South Albania, where the Greeks for over a century have concentrated their strongest propaganda, the Albanian and Jewish elements preponderate over the Greeks and Kutzovlahs. Neither Janina nor the above-mentioned Greek villages can be separated from Albania without being doomed to economic death.

This is the case also in the Pindus, which is exclusively inhabited by the Kutzovlahs, the descendants

of the ancient Roman colonists. The Kutzovlahs gain their living by cattle-raising. They pass the summer in the Pindus mountains and go with their flocks in winter to the pasturages on the Albanian coast. For them, who are neither Greek nor Albanian, it is their own interest which causes them to choose between the two. Which did they choose when the occasion offered?

The Greeks pretend that the inhabitants of Epirus are Greek in feeling. Facts are worth more than words. The Treaty of Berlin awarded a part of Epirus to Greece—the territory, in fact, which lies between the town of Arta and the River Kalamas, which cuts Tchameria in two. An International Commission went at this time to Preveza in order to effect the transfer of the district to His Hellenic Majesty. But the Commission found itself confronted by the opposition of the whole population and was forced to retire without fulfilling its purpose. The population of Epirus rose like one man and opposed the cession of this Albanian district to Greece. And in consequence of this popular resistance the Greek frontier had to be drawn at Arta.

As for those Albanian territories which are disputed by their neighbors, the Albanians are quite prepared to accept, when the time comes, the decision of a Commission nominated by President Wilson or by the British Government, which shall make inquiries on the spot after due measures have been taken to insure that the said populations may freely express their feelings and wishes, and that no aliens shall be temporarily imported for the purpose of falsifying facts.

We must now consider the question of Italy with regard to Albania.

Albania's independence was proclaimed in 1912. But before she had time to organize or establish herself she was at once caught up by the whirlwind of opposing interests—those of Italy and Austria. Not only did the two currents paralyze Albania, but they encouraged the neighbor states to make existence impossible to her. Today the situation is altogether changed. Austria has broken up completely, and on the frontier Albania will see arising in her place a large Slav State which is frankly hostile to her. To guard against possible danger, Albania must seek a support, and this time she will have no difficulty of choice. But if Albania needs the support of Italy, Italy, too, needs the support of Albania. The new Yugo-Slav State will be animated with friendly sentiments for the Kingdom of Italy, but states do not base their future upon sentiments, but upon community of interests, which constitutes the only guaranty for a lasting friendship. And they are also bound to provide for all eventualities. It is to Italy's interest that there should be a non-Slavonic buffer state which is sincerely devoted to her. She should therefore insist upon the reconstitution of the Albanian state, which should include within its frontiers all Albanian-inhabited districts. For to Italy this state is of vital importance.

The Secret Treaty signed in London in 1915—and as fatal for Italy herself as for Albania—would appear to have been imposed by Russia. Italy seized the first opportunity to denounce that portion which refers to the possible dismemberment of Albania, when

she proclaimed the whole of Albania independent under her protection on June 3, 1917.

Albania needs the support of Italy, but only in so far as it does not affect her national sovereignty and independence. A desire to impose upon Albania a protectorate, or a protection that borders upon a protectorate, would be an unpardonable political blunder: Far from safeguarding and harmonizing the interests of the two nations, it would have the contrary effect. Anything imposed from without, even if it be salutary, assumes an oppressive form in the eyes of the people and provokes hatred. We do not believe that such is the intention of Italy.

Italy is in the right when she wishes to assure for herself the friendship and fidelity of Albania. This may be assured her by Albania's political and geographical position. But the Albanians are ready to assure Italy of their sincerity by more concrete guaranties, provided that these guaranties inflict no injury on Albania's national sovereignty.

After all the reasons we have given and the facts stated it is easy to understand not only that Albania cannot be dismembered, but that she is the key to the Balkan problem. It is in the interests of peace that Albania be reconstituted within her ethnographical limits and that she should be neutral and independent.

There are persons who either cannot or will not see clearly, persons for whom Albania does not exist, and who plan every description of combination and arrangement.



To such I would point out:—

1. All who have followed political events in the past recognize that the policy of non-interference and the lack of interest displayed by British diplomacy in the Balkans and in the Near East in the last few decades have been among the direct causes that unchained the world-war. The prestige and influence of Great Britain were such throughout these lands, that, had she so desired, she might have been the directing force of their policy and the undisputed arbitrator of their differences. This would have benefited all the world. German influence would have been powerless to establish itself, and all dreams of German expansion and domination in that direction must have perforce vanished. The past bitter experiences will not allow British statesmen to again fall into such errors, or permit them to be swayed by the various Balkan propaganda and intrigue. They will certainly take advantage of this dearly-bought occasion by giving a just solution to the Balkan problems and at the same time restoring the prestige to Great Britain in the Balkans and the Near East.

2. As we stated at the beginning of this pamphlet, everyone is aware that America has come to save the situation. Everyone recognizes the huge sacrifices of the United States and honors them proportionately. But the plotters and schemers appear to forget America's war aims, or not to take them seriously. In proportion as the forces of America came into the field, so did the language of President Wilson become clearer and more imperative when speaking of justice and the rights of nations, both great and small, to decide their own lot.



President Wilson's declarations may be summarized thus: "We have entered into the war in order to free the world from slavery and to do justice to humanity. To those aims we shall adhere." We have no doubt that President Wilson will so act, not because he possesses the strength to do so, but *because he has right on his side and the will of the peoples behind him.*

Strong in the righteousness of their cause, the Albanians have never despaired of its ultimate triumph. Whether the Albanian question be regarded from the point of view of justice or from the political point of view for the sake of the peace of the Balkans, and therefore of Europe, there can be but one solution—*the restoration of the Albanian state within its ethnographical limits.*

The Albanian race, which has had the strength to resist the storms of centuries and preserve its physical vigor and its spirit of independence, cannot now, in the twentieth century, submit to live in slavery, still less to disappear.



## IV

MEMORANDUM SUBMITTED BY THE  
ALBANIAN DELEGATION TO THE  
PEACE CONFERENCE

The Albanian Peace Delegation which was appointed by the Provisional Government of Albania, reached Paris at the beginning of February, and on the 12th of the same month presented the Albanian claims to the Peace Conference. Since then it has been received and heard many a time by the Supreme Council of Ten and by the Committee on Greek territorial claims. The Memorandum published below is an authorized translation from the original text, which is in French.

The Albanian nation presents itself before the Peace Conference, sustained by that ideal force which has rendered invincible the armies of the liberal nations and which has overthrown the arms of their enemies; it comes before the Peace Congress full of confidence that the principle of nationality shall receive a complete application, thanks to the spirit of equity that inspires the eminent men assembled in Congress.

The Albanian race, the most ancient of the Balkans, has been able to preserve its national identity, its spirit of liberty and independence, despite the periodical invasions of which Albania has, through the course of centuries, been the theater.

After more than four centuries of foreign domination, barely called to independent life, and struggling with the difficulties that are inherent to the renaissance of peoples, Albania was surprised by the world's war. Her neutrality, which had been guaranteed by the great Powers, was violated by the belligerent armies and, like Belgium, Albania was made to acquaint herself with all the horrors of invasion.

Groaning under the heel of the invader, the Albanian people did not, nevertheless, fail in their duty toward the Entente, which had proclaimed to the entire world that she was fighting for the principle of nationality and the rights of peoples. Forgetting the outrages and horrors committed in Albania only a year before, the Albanians deemed it their duty to succor the remnants of the Serbian armies during their retreat through Albania. It is averred, in fact, that these remnants, tired and exhausted, lacking arms and food, could never have reached the shores of the Adriatic Sea if the Albanians had bent their ear to the exhortations of Austria, instead of obeying their pro-Entente sentiments as well as their chivalrous traditions.

Albania, though invaded, subjugated and devastated, was founding her hopes on the friendly armies of the Entente which were gaining a foothold in Macedonia and in the southern Albanian provinces, and her sons were hastening to range themselves by the side of the armies of liberty and to participate in the battles which were taking place in the Balkan Peninsula against the Central Empires. Had they been accorded the same support and the same facilities that have been accorded to other nations, the Albanians would have risen as one man and taken up arms



with the same enthusiasm which was shown by their brethren who had enlisted under the flags of the Entente, a great number of whom have fallen on the field of honor. Nevertheless, they did everything within their power to render difficult the task of the enemy, by throwing obstacles in the way of his provisionment, and by hindering, for a long period of time, the establishment of connections detrimental to the Entente which a Balkan state was striving to tie up, through Albania, with the command of the enemy. And when the Allies resolved upon taking the offensive in the Balkans, the Albanians rose up against the Austrian troops, facilitating thus the advance into Albania of the troops of the Entente which were always preceded by Albanian contingents.

Happy to have offered this modest tribute to the cause of liberty, the Albanians come today to submit their just claims, with full confidence, to the High Tribunal of the world.

An equitable solution cannot be given to the territorial problems in the Balkan Peninsula except on the condition that each state may bring together within its limits the regions where the elements of its race form the majority of the population. It is in the fact that this principle has not been respected with regard to Albania that the Albanians find, and with reason, the cause of their misfortunes and of their sufferings.

The principles of equilibrium and of *status quo*, which served as bases for the Congresses of the past, could but be fatal to Albania, a country without defense and coveted by its neighbors, Greeks and Slavs, who were supported by powerful protectors.



It is thus that the Congress of Berlin of 1878 first, and the Conference of London in 1913 later, sanctioned the mutilations of the national Albanian territory for the benefit of Montenegro, Serbia, and Greece, mutilations which were all the more iniquitous because they abandoned, without any guaranty, large groups of Albanians that formed a crushing majority in the sacrificed territories.

Let it be permitted to us to observe, in passing, that the superiority of the Greek and Slav civilization, which has been so much talked about, is not very consistent with the systematic persecutions, the destructions and arsons, and so many other horrors perpetrated by the Greeks and Serbians on the peaceful populations of Albania, facts which are sufficiently known by the great Powers not to need any circumstantial recital at this juncture.

As the present Congress is not inspired by hollow formulas, but by real principles of rights which have been acclaimed by the entire world, hope springs again, with just reason, in the hearts of the Albanians.

The claims which the Albanian nation lays before the Congress have for their object the restitution to the Albanian State, whose independence has been recognized and guaranteed by the Conference of London of 1913, of the following:

1. The Albanian territories incorporated in Montenegro as a result of the decisions of the Congress of Berlin and of those of the Conference of London of 1913;
2. The Albanian territories incorporated in Serbia as a result of the decisions of the Conference of London of 1913;

3. The Albanian territories incorporated in Greece as a result of the decisions of the Conference of London of 1913.

While Albania is setting forth in this manner her just claims, there are rumors in circulation, a little vague, it is true, to the effect that certain of the Balkan States would lay forth new pretenses to the territories which have been comprised within the frontiers of the independent Albanian state as fixed by the acts of London and Florence, which had already committed a flagrant injustice by not taking into account the legitimate rights of the Albanian people. It seems superfluous to demonstrate how iniquitous are these new pretenses, but it is equally necessary to examine the arguments that may be advanced for their justification.

The Serbians have invoked in the past the necessity of an outlet to the sea through the Albanian territory. But this reason does not exist any longer today, inasmuch as Serbia will not lack ports on the Adriatic. In any case, such a commercial necessity was not of the nature of justifying a similar spoliation.

All the statistics presented by the Greeks in support of their claims in Albania are based on a *quid pro quo*.

In the acts of the Civil Registry, given out by the Ottoman authorities, all the Orthodox Christians of the Empire were called "Roum" (Greeks). This is explained by the fact that all the Christians were under the jurisdiction of the Œcumenical Patriarchate of Constantinople; but this could not mean at all that these Christians were of Greek origin.

It is exactly by making these Christians pass as though they are of Greek origin that the Hellenic

government manages to find a certain majority in some parts of Albania. But, according to this account, one should believe that there is not a single orthodox Albanian in Albania.

It is not, then, for new mutilations that the Albanian nation should prepare itself, but, on the contrary, it should seek to see itself reintegrated within its ethnical frontiers, to see the return into its bosom of the large groups that have been taken away from it by violence in the past, to see that its good claims are recognized; and it is this sacred cause that it asks to have sustained before the Peace Congress through the instrumentality of its representatives whom preceding Congresses have never cared to hear.

As is shown by the geographical map annexed to this Memorandum, the ethnographical frontier of Albania starts from the Bay of Spitzza (north of Antivari), proceeds toward the northeast, incorporating into Albania the clans of Tousi, Hoti, Gruda, Triepshi, the city of Podgoritza and, following the Montenegrin frontier as it stood before 1912, takes in the district of Ipek, the eastern part of the district of Mitrovitza, the districts of Prishtina, Guilan, Ferizovitch, Katchanik, a part of the district of Uskub, the districts of Kalkandelen, of Gostivar, of Kerchovo, of Dibra, to join the mountain called "Mal i Thate," between the lakes of Ochrida and Prespa. From this point, the boundary follows the frontier drawn in 1913 up to the crest of the Grammos Mountains and continues toward the South in order to end near the Gulf of Preveza.

All the territories situated westward of this frontier constitute the ethnical and historical Albania.

Within the limits of the above mentioned territories there are living about two millions and a half of Albanians, of which nearly a million is to be found within the confines assigned to Albania by the Conference of London in 1913 and one million and a half in the regions ceded by the same Conference to Montenegro, Serbia, and Greece.

After the upheavals that have taken place in Albania during the last years—massacres, emigrations, etc., it is very hazardous to give precise statistics on the actual situation, but one may say, without departing from the truth, that in the regions ceded to the above-mentioned states, the Albanian population forms a majority of 80 per cent. over the Greek and Slav elements. In some of these regions as, for instance, in the districts of Ipek, Jakova, and Prisrend in the north, and in that of Tchameria in the south, the Slav and Greek elements form an insignificant minority.

We are asking for nothing that is not Albanian. We have never aspired to incorporate in the Albanian State groups belonging to other nationalities which might, by their irredentism, provoke troubles that we have every interest to avoid.

We demand the return of the territories that have been taken away from us by the treaty of Berlin and by the Conference of London.

We demand the independence and territorial integrity of Albania, and respect for the sovereign rights of the Albanian people.

We also demand economic reparations for a considerable number of villages burned down by the Greeks in the southern part of the country (Northern Epirus)



and for the devastations committed by the armies of the Central Empires during the occupation of the country by their troops. The country being invaded and without government, it has been impossible up to the present time to estimate in a precise manner the amount of the damages. The Provisional Albanian Government which was chosen on December 25 last is drawing up the list and estimating the amount. This list will be submitted to the Congress for examination with the least possible delay.

The Albanian nation desires to work in peace for the development of the resources of its country, to become an element of order in the Balkan Peninsula, and to take its rank among the civilized nations.

The unjust decisions of the past have been an encouragement to greed and have reinforced the conviction that one has but to dare against the weak; they, therefore, became the source of many misfortunes and sufferings.

In providing a remedy for the injustices of the past and rendering to every one what is his own, the present Congress would establish the basis for a durable peace in the Balkan Peninsula where periodical troubles have continually occupied and above all preoccupied the governments of the Great Powers.

(Signed) TURKHAN

*Paris, February 12, 1919.*



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## DOCUMENTS REGARDING THE PEACE CONFERENCE

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Peace Conference, April 28, 1919



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## I

## ORGANIZATION OF THE PEACE CONFERENCE

The Constitution of the Peace Conference at Paris is somewhat difficult to describe. The fact that so much of the actual work of the Conference takes place informally, and that the leading men act in different sections in different capacities, coupled with the somewhat indeterminate character of some of the "proceedings," present especial difficulties in description and appraisal.

*The General Session*

The Conference as a whole met only three times prior to President Wilson's first return to America, in what is known as the Séance Plénière, or General Session. Those three occasions were the opening session on January 18, the session of January 25, when the League of Nations was introduced, and the session of February 14, when the detailed plan for the League of Nations was laid on the table.

At these general sessions representatives of the press are admitted and certain privileged spectators, each country having the right to invite only a very limited number. The place of meeting is the large drawing-room of the Quai d'Orsay, the French Foreign Office.

*The Committee of the Great Powers*

Owing to the difficulties of transacting business in such a large gathering and in public, the Conference

as a working organization is split up into a number of Commissions. Of these the most important is what is popularly known as the Big Ten, or sometimes the Big Five, in which there are two representatives of each of the five Great Powers meeting to consider large matters of settlement. This central Commission of the Peace Conference meets in the office of the French Foreign Secretary, M. Pichon, which one reaches from the same lobby as the general council chamber. The President of this Commission is the President of the Congress as a whole, the French Premier, M. Clemenceau, and its members are the President of the United States and the Secretary of State, or their substitutes, and the Prime Ministers and Foreign Ministers of the other Powers, or their substitutes. It is, therefore, a meeting of those men upon whom the final decision will mainly rest.

This Commission hears the claims of the minor peoples seeking recognition or demanding rectifications of frontiers, etc., and has, also, to come to agreement concerning the matters not yet settled in which the Great Powers themselves are involved. Its sessions are secret, but since each of the Powers brings at least one, and often two, technical experts in addition to the two delegates, and there is a secretariat also in attendance, there are from thirty to forty people present at these sessions. Consequently, what takes place at the sessions tends to become known in a general way.

### *The Supreme War Council*

The next most important body, and in some respects overshadowing even the Big Ten, is the Supreme War Council under Marshal Foch. This continues to meet at Versailles and has to deal with the problem of

the armistice and the other matters having to do with the enemy Powers which demand immediate action. The relation between the War Council and the Conference of Peace is not easily defined, for on occasion the Committee of the Big Ten transforms itself into a session of the Supreme War Council, calling Marshal Foch in to present his report and take part in discussions. From this procedure it might seem as though the Military Commission, which signed the Armistice, is no longer a supreme council, but acts as a committee of the Big Ten. On purely military matters, however, the civil body is not likely to interfere. Where matters of policy are involved, affecting the political relations with the Central Powers, the decision would seem to lie with the Big Ten.

In addition to these supreme Commissions and Councils, there are a number of separate commissions dealing with specific problems on which technical experts are seated in addition to the Ministers Plenipotentiary. Of these the more important are the following:

#### 1. *The Commission on the Formation of a League of Nations*

This Commission, of which President Wilson was the Chairman, and which produced the "Covenant," known popularly as the Constitution of the League of Nations, was composed mainly of representatives of the Great Powers. Its sessions were secret and it had its own secretariat, as have all of the separate Commissions. In the drafting of the Covenant the Commission had the assistance of technical experts, who were present at the sessions along with the Ministers Plenipotentiary.



## 2. *The Commission on the Responsibility for the War*

This Commission has to deal with the legal problem of the responsibilities for the war, and for the crimes committed against the law of nations in the war, especially by the enemy Powers. Its personnel is drawn from the specialists in international law.

## 3. *The Commission on Reparation for Damages*

This Commission has been studying both the extent and character of the injuries caused by the war upon the Entente Powers and upon neutrals, and the resources of the Central Powers which may be applied in reparation for the injuries committed. It was drawn mainly from the technical experts in economics and finance.

## 4. *The Commission on International Labor Legislation*

This Commission deals with the demands of labor that the standards of the different countries shall be brought to a level more consistent with the general needs of the working classes, and has been attempting to bring into existence an organization for international labor legislation in the future by way of a sort of "Labor Parliament" which is to meet under the Constitution of the League of Nations.<sup>1</sup>

## 5. *The Commission on International Control over Ports, Waterways, and Railways*

This Commission deals with the large questions involved in the securing of free international intercourse and trade, particularly in the case of land-locked nations seeking access to the sea. It deals with problems of riverways and ports, and the possible international control or oversight under the

<sup>1</sup> The report of the Commission, including the draft convention creating a permanent organization for the promotion of international regulation of labor conditions, will be published in full in an early number of *International Conciliation*.

League, of railways essential to the free economic life of countries disadvantageously situated with reference to powerful neighbors.

#### 6. *Economic Drafting Commission*

An important Committee which will consider the relation of the larger and more permanent economic questions in the Treaty of Peace. Composed of men of ministerial rank.

#### 7. *Financial Drafting Commission*

A Commission similar in scope to the Economic Drafting Commission, and composed of members of the same rank, to deal with the larger and more permanent questions of finance and to secure their proper settlement in the Treaty of Peace.

#### 8. *Inter-Allied Supreme Economic Council*

A result of the joint inter-Allied activity in the war. This Council deals with the more pressing needs in the line of economic coöperation among the Allies.

### *Commissions on Territorial Problems*

In addition to the Commissions dealing with such general topics, there were appointed special Commissions to deal with the specific territorial problems which the Conference must settle. These Commissions have been more largely composed of technical experts, mainly geographers and historians, than of Plenipotentiaries, although in some instances the membership includes those of ministerial rank. For instance, there is a Commission dealing with the problems relative to Poland—mainly boundary problems; a special Commission on the control of Teschen; a Commission dealing with Rumania and the boundary questions which affect the Rumanian settlement, such as those in the Banat, the Bulgarian-Serb frontier, etc.;

a Commission dealing with the Czecho-Slovak problems; a Commission dealing with the Greek territorial claims; a Commission dealing with the questions of Belgium and Schleswig-Holstein. This last Commission has, naturally, more than boundary problems to consider, and the terms of reference differ according to the problems in the matter to be considered by the different Commissions. There is also a central Coordinating (inter-Allied) Commission to consider the work of the various special Boundary Committees as a whole.

Other Commissions or Committees are at work on various specific problems in more or less formal sessions, and, naturally, much of the preliminary negotiation takes place in more restricted groups.

### *Secretariat*

The secretariat of such a complex organization is naturally an intricate organization in itself. Each of the Commissions must keep its records, and these different secretariats must be in touch with the general secretariat. They must make sure that there shall be an adequate record in both French and English, of the daily sessions—for some of these Commissions work two or three sessions a day, and practically all are in daily session, and the minutes must be available concurrently during the process of negotiation. Moreover, it is necessary that these minutes should not be printed, both in order that they should not receive too wide a distribution and also in order that the negotiations may be at all times sufficiently flexible. Consequently, they are distributed among those directly concerned in the form of mimeographed confidential memoranda.

### *National (Propaganda) Organizations*

No account of the constitution of the Peace Conference would be complete without mention of the different national organizations which are, to some extent, modifications of the propaganda organizations of the period of the War, and which furnish the delegates and the Commissions with an unending supply of statements of their various claims. These national committees are no part of the formal organization of the Peace Conference, but they may be recognized by a Commission, or even by the Big Ten, as being the properly authorized representatives of their national claims, and to that degree come within the general scope of the Conference.

In some cases individuals of sufficient distinction have secured recognition on a par with these national delegations. There are few parts of the world which the decisions of the Peace Conference can affect, which lack representation in some form or another in the city of Paris at the present time, and a consistent effort has been made by the Conference to give them a chance to state their demands.

#### A. DELEGATIONS AND COMMISSIONS

##### DELEGATIONS TO THE PEACE CONFERENCE

America, United States of	France
Australia *	Great Britain
Belgium	Greece
Bolivia	Haiti
Brazil	Hedjaz
Canada	Italy
China	India
Cuba	Japan
Czecho-Slovakia	Liberia
Equador	New Zealand

Newfoundland	Rumania
Panama	Serbia
Peru	Siam
Poland	South Africa
Portugal	Uruguay

DELEGATIONS IN PARIS HAVING NO REPRESENTATIVES  
AT THE CONFERENCE

Aland Islands	Denmark
Albania	Jewish
Armenia	Montenegro
Dalmatia	Persia
Russia	

COMMISSIONS APPOINTED BY THE CONFERENCE

Armistice, Committee charged to impose on Germany methods of execution of  
 Belgian Territorial Claims, Commission for the study of  
 Czecho-Slovak Affairs, Commission on  
 Economic Drafting Commission  
 Financial Drafting Commission  
 German Materials of War and Disarmament, Committee on  
 Equipment to be surrendered by Germany, Committee to decide on  
 Greek Territorial Claims, Commission for the study of  
 Inter-Allied Military and Naval Committee: Supreme War  
 Council  
 International Legislation on Labor, Commission for  
 League of Nations, Commission on the formation of a  
 Mission to Poland, Commission on the  
 Reports from Poland, Committee to deal with  
 Ports, Waterways, and Railways, Commission for the interna-  
 tional control of  
 Sub-Committee No. 1—Questions relative to transit  
 Sub-Committee No. 2—Regulation of Waterways, Ports and  
 Railways  
 Prinkipo, Commission on  
 Reparation for Damages, Commission on  
 Sub-Committee No. 1  
 Sub-Committee No. 2—Study of financial capacity of enemy  
 states and methods of payment and reparation



Sub-Committee No. 3—Measures of control and guaranty  
 Responsibilities for the War, Commission on  
 Sub-Committee No. 1—Criminal acts  
 Sub-Committee No. 2—Responsibilities for the war  
 Sub-Committee No. 3—Responsibilities for the violations of  
 the laws of war  
 Rumanian Territorial Claims, Commission for the study of  
 Supreme Economic Council  
 Commission for the Control of Teschen

## B. RULES OF THE PEACE CONFERENCE

### *Representation and Procedure*

The rules of the Peace Conference, drawn up for its guidance by the representatives of the Foreign Offices most involved, are given below. These deal mainly with the formal matters of the general Conference, with the question of the right of representation at it on the part of the Ministers Plenipotentiary, and with the work of the secretariat in systematizing the general business of the conference. It is clear, however, that, drawn up before the Conference really got to work—although modified in part later—they do not describe the actual functioning of the various organs. In fact, no official statement of the constitution of the Conference has been made public, which allows much more latitude in the actual carrying out of the negotiations than would be the case if the functions of each of the sections of the Conference were rigidly assigned beforehand.

### *Official Statement of the Regulations Governing the Work of the Conference*

Text as published by the *London Times*, Monday, January 20, 1919

I. The Conference assembled to fix the conditions of peace, first in the preliminaries of peace and then in

the definite treaty of peace, shall include the representatives of the belligerent Allied and associated Powers. The belligerent Powers with general interests (the United States of America, the British Empire, France, Italy, and Japan) shall take part in all sittings and commissions. The belligerent Powers with particular interests (Belgium, Brazil, the British Dominions and India, China, Cuba, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Poland, Portugal, Rumania, Serbia, Siam, and the Czecho-Slovak Republic) shall take part in the sittings at which questions concerning them are discussed. The Powers in a state of diplomatic rupture with the enemy Powers (Bolivia, Ecuador, Peru, and Uruguay) shall take part in the sittings at which questions concerning them are discussed. Neutral Powers and States in process of formation may be heard either orally or in writing when summoned by the Powers with general interests at sittings devoted especially to the examination of questions directly concerning them, but only so far as these questions are concerned.

II. The Powers shall be represented by Plenipotentiary Delegates to the number of five for the United States of America, the British Empire, France, Italy, and Japan; three for Belgium, Brazil and Serbia; two for China, Greece, Hedjaz, Poland, Portugal, Rumania, Siam, and the Czecho-Slovak Republic; one for Cuba, Guatemala, Haiti, Honduras, Liberia, Nicaragua, and Panama; one for Bolivia, Ecuador, Peru, and Uruguay. The British Dominions and India shall be represented as follows: Two delegates each for Australia, Canada, South Africa, and India (including the Native States); one delegate for New Zealand. Although the number of delegates may not

exceed the figures above mentioned, each delegation has the right to avail itself of the panel system. The representation of the Dominions (including Newfoundland) and India may besides be included in the representation of the British Empire by the panel system. Montenegro shall be represented by one delegate, but the rules concerning the designation of this delegate shall not be fixed until the moment when the political situation of this country shall have been cleared up. The conditions of the representation of Russia shall be fixed by the Conference at the moment when the matters concerning Russia are examined.

III. Each delegation of Plenipotentiaries may be accompanied by technical delegates properly accredited and by two stenographers. The technical delegates may be present at the sittings for the purpose of furnishing information which may be asked of them. They shall be allowed to speak for the purpose of giving any desired explanations.

IV. The delegates take precedence according to the alphabetical order in French of the Powers.

V. The Conference will be declared open by the President of the French Republic. The President of the Council of French Ministers will be invested temporarily with the Chairmanship. Immediately after this, a Committee, composed of one Plenipotentiary of each of the great Allied or associated Powers, shall proceed at once to the authentication of the credentials of all members present.

VI. In the course of the first meeting, the Conference will proceed to appoint a permanent President and four Vice-Presidents chosen from the Plenipotentiaries of the Great Powers in alphabetical order.

VII. A Secretariat appointed from outside Plenipotentiaries and composed of one representative of the United States of America, one of the British Empire, one of France, one of Italy, and one of Japan, will be submitted to the approval of the Conference by the President, who will be the controlling authority responsible for its operations. This Secretariat will be entrusted with the task of drafting protocols of the meetings, of classifying the archives, of providing for the administrative organization of the Conference, and generally of ensuring the regular and punctual working of the services entrusted to it. The head of the Secretariat will have charge of, and be responsible for, the protocols and archives. The archives will always be open to the members of the Conference.

VIII. The publicity of the proceedings shall be ensured by official communiqués which shall be prepared by the Secretariat for publication. In case of disagreement as to the drafting of these communiqués the matter shall be referred to the principal Plenipotentiaries or their representatives.

IX. All documents intended for inclusion in the protocols must be handed in in writing by the Plenipotentiaries presenting them. No document or proposition may be submitted save by one of the Plenipotentiaries or in his name.

X. Plenipotentiaries wishing to make a proposal unconnected with the questions on the agenda or not arising from the discussion shall give notice of the same twenty-four hours in advance in order to facilitate discussion. However, exceptions can be made to this rule in the case of amendments or secondary questions, but not in the case of substantive proposals.



XI. Petitions, memoranda, observations, or documents forwarded to the Conference by any person other than Plenipotentiaries must be received and classified by the Secretariat. Such of these communications as are of political interest will be briefly summarized in a list to be distributed to all the Plenipotentiaries. This list will be kept up to date as analogous communications are received. All such documents will be deposited in the archives.

XII. The discussion of the questions to be decided will comprise a first and a second reading. The first will consist of general discussion with the object of obtaining agreement on matters of principle. Subsequently, there will be a second reading for more detailed examination.

XIII. The Plenipotentiaries shall have the right, subject to the agreement of the Conference, to authorize their technical delegates to submit technical explanations on such points as may be deemed useful. If the Conference thinks it advisable, the technical examination of any particular question may be entrusted to a committee of technical delegates, whose duty it will be to report and suggest solutions.

XIV. The protocols drawn up by the Secretariat shall be printed and distributed in proof to the delegates in the shortest possible time in order to expedite the work of the Conference. The communication thus made in advance shall take the place of the reading of the protocols at the beginning of each meeting. If no alteration is proposed by the Plenipotentiaries, the text shall be deemed approved and be entered in the archives. If any alteration is proposed, its text shall be read by the President at the beginning of the



following meeting. In any case, the protocol must be read out in full at the request of any Plenipotentiary.

XV. A committee shall be formed for drafting the resolutions adopted. This committee shall concern itself only with questions which have been decided. Its sole duty shall be to draw up the text of the decisions adopted and to present it for the approval of the Conference. It shall be composed of five members not forming part of the Plenipotentiary Delegates, and composed of one representative of the United States of America, one of the British Empire, one of France, one of Italy, and one of Japan.

## II

## GENERAL SESSIONS

The first General Session of the Peace Conference met at the Quai d'Orsay, on the 18th of January, and after the initial speech by President Poincaré in which, speaking in the name of France, he formally convoked the Conference, President Wilson nominated Premier Clemenceau as President of the Conference. Mr. Lloyd George and Baron Sonnino seconded the nomination.

M. Clemenceau wasted little time in getting down to business, and after a few words of appreciation stated that the rules of procedure of the Conference would be distributed to all delegates through the Bureau. He then came rapidly to the program immediately before the Conference, and announced that the questions on the order of the day were, first: responsibility of the authors of the war; second: penalties for crimes committed during the war; third: international legislation in regard to labor.

The Powers were invited to send in memoranda with regard to any question or claim affecting any of them in particular. These memoranda were to be addressed to the Secretariat of the Conference, and the implication was already clear that Commissions would be brought into existence to deal with them.

Having hurriedly stated this method of routine, the President then announced that the order of the day for the next sitting would begin with the question of

the Society of Nations and declared the Session closed, with a final request that all questions and expressions of opinion should be addressed to the Bureau.

The inaugural speech of President Poincaré, the nomination of Clemenceau as president of the Conference, and M. Clemenceau's opening address to the Peace Conference will be found on pages 21-32.

The Session of January 25 was devoted to the question of the introduction of the League of Nations by President Wilson, Mr. Lloyd George, and M. Léon Bourgeois, the latter, as the Chairman of the French Commission on this subject, speaking for France.

The Conference accepted the proposals for the creation of the League of Nations in a three-fold resolution and appointed a Committee representative of the associated governments to work out the details of the Constitution and functions of the League.

The speeches delivered at this session by President Wilson, Mr. Lloyd George, Signor Orlando and M. Bourgeois, the conclusion of the debate and the resolution adopted on the League of Nations will be found on pages 32-42.

The third General Session was held on February 14, and was called to receive the report of the Commission on the League of Nations, of which President Wilson was Chairman. President Wilson's speech was delivered on this occasion, as in other instances, extemporaneously, excepting for the reading of the text of the Covenant. There was also a short speech by Lord Robert Cecil in explanation of some points, and a more lengthy speech by the Chairman of the French section of the Commission, M. Léon Bourgeois.

After these introductory speeches the President, M. Clemenceau, declared the document laid on the table of the Conference, and the meeting adjourned—not, however, without an inquiry from one member as to whether it would be placed before the Conference again for discussion at a later date, to which the President replied in the affirmative.

Meanwhile, the need of proceeding to the peace settlement itself upon lines commonly understood tends to make what was presented as a tentative document more and more like a final statement to which subsequent settlements must be adjusted. On the other hand, it is of great value to the special Commissions to have this constitution at hand in order to test up their work by it; and, reciprocally, it is of value to the proposed League of Nations itself that the Constitution should be presented in outline, and yet left subject to possible modification while being tested up by the subsequent practical business of negotiation.

The text of the original draft of the Covenant, as well as the speeches delivered at this session by the members of the Commission on the League of Nations, were printed in *International Conciliation*, March, 1919, Special Bulletin.

# I. OPENING SESSION OF THE PEACE CONFERENCE JANUARY 18, 1919

Reprinted from the *London Times*, January 20, 1919

## President Poincaré's inaugural speech:

Gentlemen—France greets and welcomes you and thanks you for having unanimously chosen as the seat of your labors the city which, for over four years, the enemy has made his principal military objective and which the valor of the Allied armies has victoriously defended against unceasingly renewed offensives.

Allow me to see in your decision the homage of all the nations that you represent towards a country which, still more than any others, has endured the sufferings of war, of which entire provinces, transformed into vast battlefields, have been systematically wasted by the invader, and which has paid the heaviest tribute to death.

France has borne these enormous sacrifices without having incurred the slightest responsibility for the frightful cataclysm which has overwhelmed the universe, and at the moment when this cycle of horror is ending, all the Powers whose delegates are assembled here may acquit themselves of any share in the crime which has resulted in so unprecedented a disaster. What gives you authority to establish a peace of justice is the fact that none of the peoples of whom you are the delegates has had any part in injustice. Humanity can place confidence in you because you are not among those who have outraged the rights of humanity.

There is no need of further information or for special inquiries into the origin of the drama which has just shaken the world. The truth, bathed in blood, has already escaped from the Imperial archives. The premeditated character of the trap is today clearly proved. In the hope of conquering, first, the hegemony of Europe and next the mastery of the world, the Central Empires, bound together by a secret plot, found the most abominable pretexts for trying to crush Serbia and force their way to the East. At the same time they disowned the most solemn undertakings in order to crush Belgium and force their way into the heart of France. These are the two unforgettable outrages which opened the way to aggression. The combined efforts of Great Britain, France, and Russia broke themselves against that mad arrogance.

If, after long vicissitudes, those who wished to reign by the sword have perished by the sword, they have but themselves to blame; they have been destroyed by their own blindness. What could be more significant than the shameful bargains they attempted to offer to Great Britain and France at the end of July, 1914, when to Great Britain they suggested: "Allow us to attack France on land and we will not enter the Channel"; and when they instructed their Ambassador to say to France: "We will only accept a declaration of neutrality on your part if you surrender to us Briey, Toul, and Verdun"? It is in the light of these memories, gentlemen, that all the conclusions you will have to draw from the war will take shape.



Your nations entered the war successively, but came, one and all, to the help of threatened right. Like Germany, Great Britain and France had guarantied the independence of Belgium. Germany sought to crush Belgium. Great Britain and France both swore to save her. Thus, from the very beginning of hostilities, came into conflict the two ideas which for fifty months were to struggle for the dominion of the world—the idea of sovereign force, which accepts neither control nor check, and the idea of justice, which depends on the sword only to prevent or repress the abuse of strength.

Faithfully supported by her Dominions and Colonies, Great Britain decided that she could not remain aloof from a struggle in which the fate of every country was involved. She has made, and her Dominions and Colonies have made with her, prodigious efforts to prevent the war from ending in the triumph of the spirit of conquest and the destruction of right.

Japan, in her turn, only decided to take up arms out of loyalty to Great Britain, her great Ally, and from the consciousness of the danger in which both Asia and Europe would have stood, for the hegemony of which the Germanic Empires had dreamt.

Italy, who from the first had refused to lend a helping hand to German ambition, rose against an age-long foe only to answer the call of oppressed populations and to destroy at the cost of her blood the artificial political combination which took no account of human liberty.

Rumania resolved to fight only to realize that national unity which was opposed by the same powers of arbitrary force. Abandoned, betrayed, and strangled, she had to submit to an abominable treaty, the revision of which you will exact. Greece, whom the enemy for many months tried to turn from her traditions and destinies, raised an army only to escape attempts at domination, of which she felt the growing threat. Portugal, China, and Siam abandoned neutrality only to escape the strangling pressure of the Central Powers. Thus it was the extent of German ambitions that brought so many peoples, great and small, to form a league against the same adversary.

And what shall I say of the solemn resolution taken by the United States in the spring of 1917 under the auspices of their illustrious President, Mr. Wilson, whom I am happy to greet here in the name of grateful France, and, if you will allow me to say so, gentlemen, in the name of all the nations represented in this

room? What shall I say of the many other American Powers which either declared themselves against Germany—Brazil, Cuba, Panama, Guatemala, Nicaragua, Haiti, Honduras—or at least broke off diplomatic relations—Bolivia, Peru, Ecuador, Uruguay? From north to south the New World rose with indignation when it saw the empires of Central Europe, after having let loose the war without provocation and without excuse, carry it on with fire, pillage, and massacre of inoffensive beings?

The intervention of the United States was something more, something greater, than a great political and military event: it was a supreme judgment passed at the bar of history by the lofty conscience of a free people and their Chief Magistrate on the enormous responsibilities incurred in the frightful conflict which was lacerating humanity. It was not only to protect themselves from the audacious aims of German megalomania that the United States equipped fleets and created immense armies, but also, and above all, to defend an ideal of liberty over which they saw the huge shadow of the Imperial Eagle encroaching farther every day. America, the daughter of Europe, crossed the ocean to wrest her mother from the humiliation of thralldom and to save civilization. The American people wished to put an end to the greatest scandal that has ever sullied the annals of mankind.

Autocratic governments, having prepared in the secrecy of the Chancelleries and the General Staff a map program of universal domination, at the time fixed by their genius for intrigue let loose their packs and sounded the horns for the chase, ordering science at the very time when it was beginning to abolish distances, bring men closer, and make life sweeter, to leave the bright sky towards which it was soaring and to place itself submissively at the service of violence, lowering the religious idea to the extent of making God the complacent auxiliary of their passions and the accomplice of their crimes; in short, counting as naught the traditions and wills of peoples, the lives of citizens, the honor of women, and all those principles of public and private morality which we for our part have endeavored to keep unaltered through the war and which neither nations nor individuals can repudiate or disregard with impunity.

While the conflict was gradually extending over the entire surface of the earth the clanking of chains was heard here and there, and captive nationalities from the depths of their age-long gaols cried out to us for help. Yet more, they escaped to come to

our aid. Poland came to life again and sent us troops. The Czecho-Slovaks won their right to independence in Siberia, in France, and in Italy. The Jugo-Slavs, the Armenians, the Syrians and Lebanese, the Arabs, all the oppressed peoples, all the victims, long helpless or resigned, of great historic deeds of injustice, all the martyrs of the past, all the outraged consciences, all the strangled liberties revived at the clash of our arms, and turned towards us, as their natural defenders. Thus the war gradually attained the fullness of its first significance, and became, in the fullest sense of the term, a crusade of humanity for Right; and if anything can console us in part at least, for the losses we have suffered, it is assuredly the thought that our victory is also the victory of Right.

This victory is complete, for the enemy only asked for the armistice to escape from an irretrievable military disaster. In the interest of justice and peace it now rests with you to reap from this victory its full fruits in order to carry out this immense task. You have decided to admit, at first, only the Allied or associated Powers, and, in so far as their interests are involved in the debates, the nations which remained neutral. You have thought that the terms of peace ought to be settled among ourselves before they are communicated to those against whom we have together fought the good fight. The solidarity which has united us during the war and has enabled us to win military success ought to remain unimpaired during the negotiations for, and after the signing of, the Treaty.

It is not only governments, but free peoples, who are represented here. Through the test of danger they have learned to know and help one another. They want their intimacy of yesterday to assure the peace of tomorrow. Vainly would our enemies seek to divide us. If they have not yet renounced their customary manœuvres, they will soon find that they are meeting today, as during the hostilities, a homogeneous block which nothing will be able to disintegrate. Even before the armistice you placed that necessary unity under the standard of the lofty moral and political truths of which President Wilson has nobly made himself the interpreter.

And in the light of those truths you intend to accomplish your mission. You will, therefore, seek nothing but justice, "justice that has no favorites," justice in territorial problems, justice in financial problems, justice in economic problems. But justice

is not inert, it does not submit to injustice. What it demands first, when it has been violated, are restitution and reparation for the peoples and individuals who have been despoiled or maltreated. In formulating this lawful claim, it obeys neither hatred nor an instinctive or thoughtless desire for reprisals. It pursues a twofold object—to render to each his due, and not to encourage crime through leaving it unpunished. What justice also demands, inspired by the same feeling, is the punishment of the guilty and effective guaranties against an active return of the spirit by which they were tempted; and it is logical to demand that these guaranties should be given, above all, to the nations that have been, and might again be most exposed to aggressions or threats, to those who have many times stood in danger of being submerged by the periodic tide of the same invasions.

What justice banishes is the dream of conquest and imperialism, contempt for national will, the arbitrary exchange of provinces between states as though peoples were but articles of furniture or pawns in a game. The time is no more when diplomats could meet to redraw with authority the map of the empires on the corner of a table. If you are to remake the map of the world it is in the name of the peoples, and on condition that you shall faithfully interpret their thoughts, and respect the right of nations, small and great, to dispose of themselves, and to reconcile it with the right, equally sacred, of ethnical and religious minorities—a formidable task, which science and history, your two advisers, will contribute to illumine and facilitate.

You will naturally strive to secure the material and moral means of subsistence for all those peoples who are constituted or reconstituted into states; for those who wish to unite themselves to their neighbors; for those who divide themselves into separate units; for those who reorganize themselves according to their regained traditions; and, lastly, for all those whose freedom you have already sanctioned or are about to sanction. You will not call them into existence only to sentence them to death immediately. You would like your work in this, as in all other matters, to be fruitful and lasting.

While thus introducing into the world as much harmony as possible, you will, in conformity with the fourteenth of the propositions unanimously adopted by the Great Allied Powers, establish a general League of Nations, which will be a supreme guaranty against any fresh assaults upon the right of peoples.



You do not intend this International Association to be directed against anybody in future. It will not of set purpose shut out anybody, but, having been organized by the nations that have sacrificed themselves in defense of Right, it will receive from them its statutes and fundamental rules. It will lay down conditions to which its present or future adherents will submit, and, as it is to have for its essential aim to prevent, as far as possible, the renewal of wars, it will, above all, seek to gain respect for the peace which you will have established, and will find it the less difficult to maintain in proportion as this peace will in itself imply greater realities of justice and safer guaranties of stability.

By establishing this new order of things you will meet the aspiration of humanity, which, after the frightful convulsions of these bloodstained years, ardently wishes to feel itself protected by a union of free peoples against the ever-possible revivals of primitive savagery. An immortal glory will attach to the names of the nations and the men who have desired to coöperate in this grand work in faith and brotherhood, and who have taken pains to eliminate from the future peace causes of disturbance and instability.

This very day forty-eight years ago, on January 18, 1871, the German Empire was proclaimed by an army of invasion in the Château at Versailles. It was consecrated by the theft of two French provinces; it was thus vitiated from its origin and by the fault of the founders; born in injustice, it has ended in opprobrium. You are assembled in order to repair the evil that it has done and to prevent a recurrence of it. You hold in your hands the future of the world. I leave you, gentlemen, to your grave deliberations, and I declare the Conference of Paris open.

## Nomination of M. Georges Clemenceau as President of the Conference

### President Wilson:

I have the great honor to propose as definitive president of this conference the French Premier, M. Clemenceau. I shall doubtless do so in conformity with usage. I should do it even if it were only a question of paying homage to the French Republic, but I do it also because I desire, and you certainly desire with me, to pay homage to the man himself. France, as it is, would alone



deserve this honor, but we are today in her capital, and it is here that this great Conference has met. France, by her sufferings and sacrifices during the war, deserves a special tribute. Moreover, Paris is her ancient and splendid capital, where more than once these great assemblages, on which the fate of the world has depended, have met.

I am happy to think that the meeting which is beginning crowns the series of these meetings. This Conference may be considered in some respects as the final crowning of the diplomatic history of the world up to this day, for never have so many nations been represented at the same time to solve problems which in so high a degree interest the whole world. Moreover, this meeting signifies for us the end of this terrible war, which threatened to destroy civilization and the world itself. It is a delightful sensation for us to feel that we are meeting at a moment when this terrible menace has ceased to exist.

But it is not only to France, it is to the man who is her great servant that we wish to pay homage and to do honor. We have learned, since we have had relations with him, and since he has been at the head of the French Government, to admire the power of his direction and the force and good sense of his actions. But, more than this, those who know him, those who have worked in close connection with him, have acquired for him a real affection. Those who, like ourselves, have seen him work in these recent times know how much he is united with us, and with what ardor he is working for that which we ourselves desire. For we all desire the same thing. We desire before all to lift from the shoulders of humanity the frightful weight which is pressing on them, so that humanity, released from this weight, may at last return joyfully to work. Thus, gentlemen, it is not only to the Premier of the French Republic, it is to M. Clemenceau that I propose you should give the presidency of this assemblage.

Mr. Lloyd George:

Gentlemen, it is not only a pleasure for me, but a real privilege, to support in the name of the British Empire the motion which has been proposed by President Wilson. I shall do it for the reasons which the President has just expressed with so much eloquence. It is homage to a man that we wish to pay before all. When I was at school M. Clemenceau was already one of the

moving forces in French politics. Already his renown had spread far. And, were it not for this memory of my childhood, I should be tempted to believe the legend which is commonly spread abroad of the eternal youth of M. Clemenceau. In all the conferences at which we have been present the most alert, the most vigorous, in a word, the youngest man, was always M. Clemenceau. By the freshness of his mind and his indefatigable energy he displayed his youth at every moment. He is indeed "the grand young man" of France. But nothing will give us greater pleasure than to see him take the place which we propose that he should accept. No one is better qualified for that place. We have often had discussions together. We have often been in agreement and sometimes we have disagreed, and in that case we have always been in the habit of expressing our opinions with all the force and vigor which belong to two Celts like ourselves.

I believe that in the debates of this Conference there will at first inevitably be delays, but I guaranty from my knowledge of M. Clemenceau that there will be no time wasted. That is indispensable. The world is thirsting for peace. Millions of men are waiting to return to their normal life, and they will not forgive us too long delays. I am sure that M. Clemenceau will not allow useless delays to occur. He is one of the greatest living orators, but he knows that the finest eloquence is that which gets things done and that the worst is that which delays them. Another reason for congratulating him on occupying the place which we are about to give him is his indomitable courage, of which he has given proof in days of difficulty. In these days his energy and presence of mind have done more than all the acts of us others to ensure victory. There is no man of whom one can say that he has contributed more to surmount those terrible difficulties which were so close to the final triumph. He represents the admirable energy, courage and resource of his great people, and that is why I desire to add my voice to that of President Wilson and to ask for his election to the presidency of the Peace Conference.

Baron Sonnino:

Gentlemen, on behalf of the Italian Delegation, I associate myself cordially with the proposal of President Wilson, supported by Mr. Lloyd George, and I ask you to give the presidency of the Peace Conference to M. Clemenceau. I am happy to be able in these circumstances to testify to my good will and admiration

for France and for the eminent statesman who is at the head of her Government.

M. Clemenceau was then elected president of the Conference unanimously.

### Opening address of M. Clemenceau:

Gentlemen, you would not understand it if, after listening to the words of the two eminent men who have just spoken, I were to keep silent. I cannot elude the necessity of expressing my lively gratitude, my deep gratitude, both to the illustrious President Wilson and to the Prime Minister of Great Britain, as well as to Baron Sonnino, for the words which they have uttered. In the past, in the days of my youth—long ago now, as Mr. Lloyd George has reminded me—when I traveled over America and England, I used always to hear the French blamed for that excess of politeness which led them beyond the boundaries of the truth. Listening to the American statesman and the British statesman, I asked myself whether in Paris they had not acquired our national vice of flattering urbanity.

It is necessary, gentlemen, to point out that my election is due necessarily to lofty international tradition, and to the time-honored courtesy shown toward the country which has the honor to welcome the Peace Conference in its capital. The proofs of "friendship"—as they will allow me to call it—of President Wilson and Mr. Lloyd George touched me profoundly, because in these proofs may be seen a new force for all three of us which will enable us, with the help of this entire Conference, to carry through the arduous task entrusted to us. I draw new confidence from it for the success of our efforts.

President Wilson has good authority for his remark that we have here for the first time a collection of delegates from all the civilized peoples of the earth. The greater the sanguinary catastrophe which devastated and ruined one of the richest regions of France, the more ample and more splendid should be the reparation—not merely the reparation for material acts, the ordinary reparation, if I may venture to say so, which is due to us—but the nobler and loftier reparation we are going to try to secure, so that the peoples may at last escape from this fatal embrace, which, heaping up ruins and sorrows, terrorizes the populations and pre-

vents them from devoting themselves freely to their work for fear of the enemies who may spring up at any moment. It is a great and noble ambition that has come to us all. We must hope that success will crown our efforts. This can only be if we have our ideas clear-cut and well defined.

I said in the Chamber of Deputies some days ago, and I make a point of repeating the statement here, that success is possible only if we remain firmly united. We have come here as friends. We must pass through that door as brothers. That is the first reflection which I am anxious to express to you. Everything must be subordinated to the necessity for a closer and closer union between the peoples which have taken part in this great war. The Society of Nations has its being here, it has its being in you. It is for you to make it live, and for that there is no sacrifice to which we are not ready to consent. I do not doubt that as you are all of this disposition we shall arrive at this result, but only on condition that we exercise impartial pressure on ourselves to reconcile what in appearance may be opposing interests in the higher view of a greater, happier, and better humanity. That, gentlemen, is what I had to say to you.

I am touched beyond all expression by the proof of confidence and regard which you have been kind enough to give me. The program of the Conference, the aim marked out by President Wilson, is no longer merely peace for the territories, great and small, with which we are directly concerned; it is no longer merely a peace for the continents, it is peace for the peoples. This program speaks for itself; there is nothing to be added to it. Let us try, gentlemen, to do our work speedily and well. I am handing to the Bureau the rules of procedure of the Conference, and these will be distributed to you all.

I come now to the order of the day. The first question is as follows: "The responsibility of the authors of the war." The second is thus expressed: "Penalties for crimes committed during the war." The third is: "International legislation in regard to labor."

The Powers whose interests are only in part involved are also invited to send in memoranda in regard to matters of all kinds—territorial, financial, or economic—which affect them particularly. These memoranda should be addressed to the general secretariat of the Conference. This system is somewhat novel. Our desire in asking you to proceed thus is to save time. All the



nations represented here are free to present their claims. You will kindly send in these memoranda as speedily as possible, as we shall then get on with the work which we shall submit for your consideration. You can deal with the third question from the standpoint of the organization of labor.

It is a very vast field. But we beg of you to begin by examining the question as to the responsibility of the authors of the war. I do not need to set forth our reasons for this. If we wish to establish justice in the world we can do so now, for we have won victory and can impose the penalties demanded by justice. We shall insist on the imposition of penalties on the authors of the abominable crimes committed during the war. Has anyone any question to ask in regard to this? If not, I would again remind you that every delegation should devote itself to the study of this first question, which has been made the subject of reports by eminent jurists, and of a report which will be sent to you entitled, "An Inquiry into the Criminal Responsibility of the Emperor William II." The perusal of this *brochure* will, without doubt, facilitate your work. In Great Britain and in America studies on this point have also been published. No one having any remark to make, the program is adopted.

It only remains for me to say, gentlemen, that the order of the day for our next sitting will begin with the question of the Society of Nations. Our order of the day, gentlemen, is now brought to an end. Before closing the sitting, I should like to know whether any delegate of the Powers represented has any question to submit to the Bureau. As we must work in complete agreement, it is to be desired that members of the Conference shall submit all the observations they consider necessary. The Bureau will welcome the expression of opinions of all kinds, and will answer all questions addressed to it. No one has anything further to say? The sitting is closed.

## 2. SESSION OF JANUARY 25

Reprinted from the London *Times*, January 27, 1919

### Speech of President Wilson:

Mr. Chairman—I consider it a distinguished privilege to be permitted to open the discussion in this Conference on the League of Nations. We have assembled for two purposes: to make the



present settlements which have been rendered necessary by this war, and also to secure the peace of the world, not only by the present settlements, but by the arrangements we shall make at this Conference for its maintenance. The League of Nations seems to me to be necessary for both of these purposes. There are many complicated questions connected with the present settlements which perhaps cannot be successfully worked out to an ultimate issue by the decisions we shall arrive at here. I can easily conceive that many of these settlements will need subsequent consideration, that many of the decisions we make shall need subsequent alteration in some degree; for, if I may judge by my own study of some of these questions, they are not susceptible of confident judgments at present.

It is, therefore, necessary that we should set up some machinery by which the work of this Conference should be rendered complete. We have assembled here for the purpose of doing very much more than making the present settlements that are necessary. We are assembled under very peculiar conditions of world opinion. I may say, without straining the point, that we are not representatives of governments, but representatives of peoples. It will not suffice to satisfy governmental circles anywhere. It is necessary that we should satisfy the opinion of mankind. The burdens of this war have fallen in an unusual degree upon the whole population of the countries involved. I do not need to draw for you the picture of how the burden has been thrown back from the front upon the older men, upon the women, upon the children, upon the homes of the civilized world, and how the real strain of the war has come where the eye of government could not reach, but where the heart of humanity beat. We are bidden by these people to make a peace which will make them secure. We are bidden by these people to see to it that this strain does not come upon them again, and I venture to say that it has been possible for them to bear this strain because they hoped that those who represented them could get together after this war and make such another sacrifice unnecessary.

It is a solemn obligation on our part, therefore, to make permanent arrangements that justice shall be rendered and peace maintained. This is the central object of our meeting. Settlements may be temporary, but the action of the nations in the interest of peace and justice must be permanent. We can set up permanent processes. We may not be able to set up per-

manent decisions. Therefore, it seems to me that we must take, so far as we can, a picture of the world into our minds.

Is it not a startling circumstance, for one thing, that the great discoveries of science, that the quiet studies of men in laboratories, that the thoughtful developments which have taken place in quiet lecture-rooms, have now been turned to the destruction of civilization? The powers of destruction have not so much multiplied as gained facility. The enemy whom we have just overcome had at his seats of learning some of the principal centers of scientific study and discovery, and he used them in order to make destruction sudden and complete; and only the watchful, continuous coöperation of men can see to it that science, as well as armed men, are kept within the harness of civilization.

In a sense, the United States is less interested in this subject than the other nations here assembled. With her great territory and her extensive sea borders, it is less likely that the United States should suffer from the attack of enemies than that many of the other nations here should suffer; and the ardor of the United States—for it is a very deep and genuine ardor—for the society of nations is not an ardor springing out of fear or apprehension, but an ardor springing out of the ideals which have come to consciousness in this war. In coming into this war the United States never for a moment thought that she was intervening in the politics of Europe, or the politics of Asia, or the politics of any part of the world. Her thought was that all the world had now become conscious that there was a single cause which turned upon the issues of this war. That was the cause of justice and of liberty for men of every kind and place. Therefore, the United States would feel that her part in this war had been played in vain if there ensued upon it a body of European settlements. She would feel that she could not take part in guarantying those European settlements unless that guaranty involved the continuous superintendence of the peace of the world by the associated nations of the world.

Therefore, it seems to me that we must concert our best judgment in order to make this League of Nations a vital thing—not merely a formal thing, not an occasional thing, not a thing sometimes called into life to meet an exigency, but always functioning in watchful attendance upon the interests of the nations, and that its continuity should be a vital continuity; that it should have functions that are continuing functions, and that do not

permit an intermission of its watchfulness and of its labor; that it should be the eye of the nations to keep watch upon the common interest, an eye that did not slumber, an eye that was everywhere watchful and attentive.

And if we do not make it vital, what shall we do? We shall disappoint the expectations of the peoples. This is what their thought centers upon. I have had the very delightful experience of visiting several nations since I came to this side of the water, and every time the voice of the body of the people reached me through any representative, at the front of the plea stood the hope for the League of Nations. Gentlemen, the select classes of mankind are no longer the governors of mankind. The fortunes of mankind are now in the hands of the plain people of the whole world. Satisfy them, and you have not only justified their confidence, but established peace. Fail to satisfy them, and no arrangement that you can make will either set up or steady the peace of the world.

You can imagine, gentlemen, I dare say, the sentiments and the purpose with which representatives of the United States support this great project for a League of Nations. We regard it as the keystone of the whole program which expressed our purposes and ideals in this war and which the associated nations accepted as the basis of the settlement. If we return to the United States without having made every effort in our power to realize this program, we should return to meet the merited scorn of our fellow-citizens. For they are a body that constitutes a great democracy. They expect their leaders to speak their thoughts and no private purpose of their own. They expect their representatives to be their servants. We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single item of the program which constitutes our instruction. We would not dare compromise upon any matter as the champion of this thing—this peace of the world, this attitude of justice, this principle that we are the masters of no people, but are here to see that every people in the world shall choose its own masters and govern its own destinies, not as we wish but as it wishes. We are here to see, in short, that the very foundations of this war are swept away.

Those foundations were the private choice of small coteries of civil rulers and military staffs. Those foundations were the aggression of great powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms. Those foundations were the power of small bodies of men to work their will and use mankind as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace. You can see that the representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have laid down for them the unalterable lines of principle. And, thank God, those lines have been accepted as the lines of settlement by all the high-minded men who have had to do with the beginnings of this great business.

I hope, Mr. Chairman, that when it is known, as I feel confident it will be known, that we have adopted the principle of the League of Nations and mean to work out that principle in effective action, we shall by that single thing have lifted a great part of the load of anxiety from the hearts of men everywhere. We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purposes. They came as crusaders, not merely to win a war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purposes for which I asked them to fight, and I, like them, must be a crusader for these things, whatever it costs and whatever it may be necessary to do, in honor, to accomplish the object for which they fought.

I have been glad to find from day to day that there is no question of our standing alone in this matter, for there are champions of this cause upon every hand. I am merely avowing this in order that you may understand why, perhaps, it fell to us, who are disengaged from the politics of this great continent and of the Orient, to suggest that this was the keystone of the arch, and why it occurred to the generous mind of our President to call upon me to open this debate. It is not because we alone represent this idea, but because it is our privilege to associate ourselves with you in representing it.

I have only tried in what I have said to give you the fountains of the enthusiasm which is within us for this thing, for those fountains spring, it seems to me, from all the ancient wrongs and sympathies of mankind, and the very pulse of the world seems to beat to the surface in this enterprise.



## Speech of Mr. Lloyd George:

M. Clemenceau, I rise to second this resolution. After the noble speech of the American President I feel that no observations are needed in order to commend this resolution to the Conference, and I should not have intervened at all had it not been that I wished to state how emphatically the people of the British Empire are behind this proposal. And if the national leaders have not been able during the last five years to devote as much time as they would like to its advocacy, it is because their time and their energies have been absorbed in the exigencies of a terrible struggle.

Had I the slightest doubt in my own mind as to the wisdom of this scheme it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago was one of the fairest in an exceptionally fair land. I found it a ruin and a desolation. I drove for hours through a country which did not appear like the habitation of living men and women and children, but like the excavation of a buried province—shattered, torn, rent. I went to one city where I witnessed a scene of devastation that no indemnity can ever repair—one of the beautiful things of the world disfigured and defaced beyond repair. And one of the cruelest features, to my mind, was what I could see had happened: that Frenchmen, who loved their land almost beyond any nation, in order to establish the justice of their cause, had to assist a cruel enemy in demolishing their own homes, and I felt these are the results, only part of the results. Had I been there months ago I would have witnessed something that I dare not describe. But I saw acres of graves of the fallen. And these were the results of the only method, the only organized method, the only organized method that civilized nations have ever attempted or established to settle disputes amongst each other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.

I do not know whether this will succeed. But if we attempt it the attempt will be a success, and for that reason I second the proposal.

### Speech of Signor Orlando:

I wish to express my fervent adhesion to the great principles which we are asked to consecrate, and I think that by doing this we shall only fulfil the most solemn obligation we have undertaken towards our people. We asked them to make immense efforts, and the counterpart of the responsibility we took was for them sacrifices, unnamed sufferings, death.

We are only doing our duty by keeping our sacred promise. We must therefore bring into this a full consent of mind and, if I may so, purity of soul.

No people is more ready to accept in its entirety the principles laid down by President Wilson in his speech than the Italian people. It is with no feeling of vanity that I shall now recall the great juridical tradition of the Italian people. The principle of law is not only a principle of protection and of justice against violence, it is the form guarantied by the state of what is the vital principle to humanity, social coöperation, solidarity between men. The plan which will now be laid before us must give us not only guaranties against future wars, but must secure coöperation between the nations. This is a great historical day. Today the right of peoples is born. It is only just that it should be born in this generous country of France which has fought so well by her genius and by her blood to ensure the triumph of the rights of man, and this is a happy omen for the beginning of these debates.

### Speech of M. Léon Bourgeois:<sup>1</sup>

I express my gratitude to the President of the Republic who has appointed me to speak on this great occasion. Was it because of his memory of the part I took in The Hague Conference? Whatever the reason, half of the honor now given to me must go to those of my colleagues present who were at The Hague with me.

The strong expression used by President Wilson that we are not only the representatives of governments, but representatives of peoples, is something we must reflect upon. What do the free peoples of the world wish for? They wish that the terrible experience of the last four and a half years should never be renewed; they wish for the thing so deeply desired by all the victims of this war, all those who died for freedom and the right,

<sup>1</sup>Reprinted with corrections from *Current History*, March, 1919.

the men who died fighting not only for their country but as true crusaders for the liberty of the world.

The striking picture drawn by Mr. Lloyd George of what he saw in one of the devastated parts of France is only one instance of a great fact. The devastating effect of an international conflict cannot now be limited to the place near where the conflict started. There is now no possibility of limiting any conflict of this sort. It cannot happen anywhere without putting the whole world in mortal danger. The whole world is interdependent economically, morally, and intellectually.

Another reason makes it impossible for us to face a renewal of such a war. It is the great progress and the great future progress of science, which—against its object, which is all for the benefit of mankind—will be used as it has been used, if we do not find some way out of the difficulty, for purposes of wholesale destruction.

By thinking of what has been done during this war we can imagine what will happen if another war takes place in another forty or fifty years. We have the right to say that the problem before our consciences—how to assure the future of our own country and the future of our common motherland, the world, while making superior its interest—is the problem of general peace.

We can remember the scruples which at The Hague were felt, even by the representatives of the most free and most peaceful countries, when they said that they were obliged to limit the stipulations to what would preserve the honor and the vital interests of their respective countries.

At present the vital interest of all countries is for a universal peace based upon the prevalence of right, and the rights of all our countries separately are dependent upon it. How can we make a reality of what was thought to be a dream of yesterday? How is it that practical statesmen are now around the table with this common thought that will certainly be expressed by your unanimous votes on what we thought only yesterday to be Utopia?

If we look backward to the history of the last thirty years, and especially, if I am permitted to refer to it again, The Hague Conference, we can see that, in spite of the disappointment we have suffered, such meetings as that of The Hague Conference had results. Such a dangerous conflict as that between France and

Germany at the time of the Casablanca incident could be solved by a decision respecting the honor of both countries by a process of arbitration.

Why was it not possible to apply the same proceeding to the terrible conflict which has caused the world so much suffering? There are two causes for it, one of which you will deal with presently. It is because the map of the world did not show a state of things in conformity with the principles of right. It was impossible for Frenchmen not to remember that some of their old countrymen were under foreign rule. It was impossible for Italy to forget that some of the fair provinces of Italy were not yet members of their own Mother Country; and there were many other questions I need not mention now.

How can you organize international peace by suppressing a just claim for unredeemed countries and populations? This cannot be done. But after you have arrived at a settlement in conformity with the principles of right and the wishes of the populations themselves, then you will have a firm basis to build up what The Hague Conference was unable to establish.

The second difference between that time and the present time is that you will be able to sit and establish a system of sanctions. At The Hague it was impossible because of the division between the nations there, and that division showed already the same classification which had been shown in this war. The same group of nations was then adhering to every proposal against peaceful settlement, which we had seen since destroying the peace and the happiness of the whole world. At present we are in a position not only to lay down principles, but also to establish a system of penalties.

By this you will be able to do a lasting work, and you will be able to enter with a serene mind into the temple of peace. In the name of the Government of the Republic it is my duty to say that we are ready to attempt and to lend our earnest will to everything that can bring us, as far as possible, on the road which has been pointed out by President Wilson's speech. You will see what measures have to be taken, but you can be certain that it is with a deep and sincere fervor that the whole of France will join in the efforts.

President Wilson said that this question is in the heart of all mankind. Well, [it is so. He also said that the League of Nations must be the ever watching eye which shall protect mankind



against the danger. Well, that is what we tried to do years ago before we were in a position to do so. At The Hague we felt the pulse of mankind beating feebly, but now we are sure] that united mankind is born, and we greet its birth.

### Conclusion of the Debate:

Mr. Hughes:

I assume that we shall have an opportunity to discuss the scheme when it is finished.

M. Clemenceau:

Without any question.

M. Lou then spoke in French. Translation as follows:

In the name of the Chinese Government, I desire to adhere whole-heartedly to the resolution put before this Conference. China has always been faithful to her obligations, and is deeply interested in the maintenance of the peace of the world. She associates herself entirely with the lofty ideals embodied in the resolution, which is that of creating an international system of coöperation which will ensure the accomplishment of the obligations and will give safeguards against war. It is my duty to give an assurance to this Conference that the Chinese Republic will always be happy to consult with the other states in the establishment of a League which will give all the nations, either small or great, an effective guaranty of their integrity, of their political sovereignty, and of their economic independence, founded upon the noble basis of impartial justice.

M. Dmowski, speaking in French, translation as follows:

I wish to express our deep gratitude for this great initiation, and I am speaking for a nation which has suffered very much in the past, and hopes that such sufferings will be the last ones, and that what has not been destroyed during the past centuries and during the present war shall now be preserved for future generations.

I am now speaking for a country where the danger is greater than elsewhere, and where the danger is permanent, because war

has not come to an end yet in Poland, because danger and fighting continue there on three different sides. If institutions can be established giving the world guaranties of a general and permanent peace, the danger to which Poland is now exposed would not exist. I am speaking in the name of Poland and for the existence of those for which the League of Nations is most needed.

#### Resolution adopted on the League of Nations:

The Conference, having considered the proposals for the creation of a League of Nations, resolves that:

(a) It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international coöperation to ensure the fulfilment of accepted international obligations, and to provide safeguards against war.

(b) This League should be treated as an integral part of the general treaty of peace, and should be open to every civilized nation which can be relied on to promote its objects.

(c) The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the Conference.

The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League.

### III

## THE COVENANT OF THE LEAGUE OF NATIONS

### REPORT OF THE COMMISSION ON THE LEAGUE OF NATIONS

#### I. TERMS OF REFERENCE

The Preliminary Peace Conference at the plenary session of the 25th January, 1919 (Protocol No. 2) decided to nominate a Commission to work out in detail the Constitution and functions of a League of Nations.

The terms of reference of this Commission were as follows:

"The Conference, having considered the proposals for the creation of a League of Nations, resolved that—

"1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations and to provide safeguards against war.

"2. This League should be treated as an integral part of the general Treaty of Peace, and should be open to every civilized nation which can be relied on to promote its objects.

"3. The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

"The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League."

This Commission was to be composed of fifteen members, i. e. two members representing each of the Great Powers (*United States of America, British Empire, France, Italy and Japan*), and five members to represent all the Powers with special interests. At a meeting of these latter Powers on the 27th January, 1919,

Belgium, Brazil, China, Portugal and Serbia were chosen to designate one representative each. (See Annex 6 of Protocol No. 2.)

## 2. CONSTITUTION OF THE COMMISSION

The Commission was therefore originally composed as follows:

### *For the United States of America:*

The President of the United States of America.  
Honorable Edward M. House.

### *For the British Empire:*

The Rt. Hon. the Lord Robert Cecil, K.C., M.P.  
Lieutenant-General the Rt. Hon. J. C. Smuts, K.C., Minister  
of Defence of the Union of South Africa.

### *For France:*

Mr. Leon Bourgeois, former President of the Council of  
Ministers and Minister for Foreign Affairs.  
Mr. Larnaude, Dean of the Faculty of Law of Paris.

### *For Italy:*

Mr. Orlando, President of the Council.  
Mr. Scialoja, Senator of the Kingdom.

### *For Japan:*

Baron Makino, former Minister for Foreign Affairs, Member  
of the Diplomatic Council.  
Viscount Chinda, Ambassador Extraordinary and Minister  
Plenipotentiary of H. I. M. the Emperor of Japan at London.

### *For Belgium:*

Mr. Hymans, Minister for Foreign Affairs and Minister of  
State.

### *For Brazil:*

Mr. Epitacio Pessoa, Senator, former Minister of Justice.

### *For China:*

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister  
Plenipotentiary of China at Washington.

### *For Portugal:*

Mr. Jayme Batalha-Reis, Envoy Extraordinary and Minister  
Plenipotentiary of Portugal at Petrograd.



*For Serbia:*

Mr. Vesnitch, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Serbia at Paris.

A request of four other Powers—Greece, Poland, Rumania and the Czecho-Slovak Republic—to be represented on the Commission was referred by the Conference to the Commission for consideration. Upon the recommendation of the Commission the four following members took their seats on February 6th:

*For Greece:*

Mr. Eleftherios Veniselos, President of the Council of Ministers.

*For Poland:*

Mr. Roman Dmowski, President of the Polish National Committee.

*For Rumania:*

Mr. Diamandy, Rumanian Minister Plenipotentiary.

*For the Czecho-Slovak Republic:*

Mr. Charles Kramar, President of the Council of Ministers.

### 3. FIRST REPORT OF THE COMMISSION

Between the date of its appointment and the 14th February, the Commission met ten times. As a result of these meetings the following draft Covenant of the League of Nations was adopted, and read as a preliminary report by the Chairman at a plenary session of the Conference on the latter date. (Protocol No. 3):

[The draft Covenant of the League of Nations was published in *International Conciliation*, March, 1919, Special Bulletin, and is therefore not reproduced here.]

### 4. SUBSEQUENT MEETINGS OF THE COMMISSION

The draft Covenant of the 14th February, was made public in order that discussion of its terms might be provoked. A great deal of constructive criticism followed upon its publication. Further suggestions resulted from hearings of representatives of thirteen neutral states before a Committee of the Commission on the 20th and 21st March.

These various recommendations were taken under advisement by the Commission which held meetings on the 22nd, 24th, and 26th March, and on the 10th and 11th April. At the meeting of the 10th April, a delegation representing the International Council of Women and the Suffragist Conference of the Allied countries and the United States were received by the Commission.

#### 5. FINAL REPORT OF THE COMMISSION

At the meetings of the 10th and 11th April the Commission agreed definitively on the following text of the Covenant to be presented to the Conference:

#### COVENANT OF THE LEAGUE OF NATIONS

[As Adopted at the Plenary Session of the Peace Conference,  
at Paris, April 28, 1919]

In order to promote international coöperation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to this Covenant of the League of Nations.

#### ARTICLE I

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex, may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regula-

tions as may be prescribed by the League in regard to its military and naval forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

#### ARTICLE II

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

#### ARTICLE III

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each member of the League shall have one vote, and may have not more than three Representatives.

#### ARTICLE IV

The Council shall consist of Representatives of the United States of America, of the British Empire, of France, of Italy, and of Japan, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of ——— shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time, as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

#### ARTICLE V

Except where otherwise expressly provided in this Covenant, or by the terms of this treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE VI

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.



The expenses of the Secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE VII

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

#### ARTICLE VIII

The Members of the League recognize that the maintenance of a peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes, and the condition of such of their industries as are adaptable to warlike purposes.

## ARTICLE IX

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military and naval questions generally.

## ARTICLE X

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE XI

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly [fundamental?] right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE XII

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

## ARTICLE XIII

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for

submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

#### ARTICLE XIV

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

#### ARTICLE XV

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the



parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE XVI

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII, or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are coöperating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE XVII

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is

accepted, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article XVI shall be applicable as against the state taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE XVIII

Every treaty or international engagement entered into hereafter by any Member of the League, shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE XIX

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE XX

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

## ARTICLE XXI

Nothing in this covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

## ARTICLE XXII

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than

police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatary, and other circumstances, can be best administered under the laws of the Mandatary as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatary shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatary shall if not previously agreed upon by the Members of the League be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandataries and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE XXIII

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (b) undertake to secure just treatment of the native inhabitants of territories under their control; (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs; (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest; (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of



all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind; (f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

#### ARTICLE XXIV

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secrétariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secrétariat the expenses of any bureau or commission which is placed under the direction of the League.

#### ARTICLE XXV

The Members of the League agree to encourage and promote the establishment and coöperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

#### ARTICLE XXVI

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

## ANNEX TO THE COVENANT

## 1. Original members of the League of Nations.

*Signatories of the Treaty of Peace.*

United States of America, Belgium, Bolivia, Brazil, British Empire (Canada, Australia, South Africa, New Zealand, India), China, Cuba, Czecho-Slovakia, Ecuador, France, Greece, Guatemala, Haiti, Hedjaz, Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Serbia, Siam, Uruguay.

*States Invited to Accede to the Covenant:*

Argentine Republic, Chili, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, Venezuela.

## 2. First Secretary General of the League of Nations [Sir James Eric Drummond].

## 6. RECOMMENDATION OF THE COMMISSION

At the last meeting of the Commission, the following resolution was adopted:

*“Resolved*, that in the opinion of the Commission, the President of the Commission should be requested by the Conference to invite seven Powers, including two neutrals, to name representatives on a Committee

- A. to prepare plans for the organization of the League,
- B. to prepare plans for the establishment of the Seat of the League,
- C. to prepare plans and the Agenda for the first meeting of the Assembly.

This Committee shall report both to the Council and to the Assembly.”

## IV

SPEECH DELIVERED BY PRESIDENT WILSON BEFORE THE  
PLENARY SESSION OF THE PEACE CONFERENCE,

APRIL 28, 1919

Reprinted from *The New York Times*, April 29, 1919

Mr. President: When the text of the covenant of the League of Nations was last laid before you I had the honor of reading the covenant *in extenso*. I will not detain you today to read the covenant as it has now been altered, but will merely take the liberty of explaining to you some of the alterations that have been made.

The report of the Commission has been circulated. You yourselves have in hand the text of the covenant, and will no doubt have noticed that most of the changes that have been made are mere changes of phraseology, not changes of substance, and that, besides that, most of the changes are intended to clarify the document, or, rather, to make explicit what we all have assumed was implicit in the document as it was originally presented to you. But I shall take the liberty of calling your attention to the new features, such as they are. Some of them are considerable, the rest trivial.

The first paragraph of Article I is new. In view of the insertion of the covenant in the Peace Treaty, specific provision as to the signatories of the treaty, who would become members of the League, and also as to neutral states to be invited to accede to the covenant, were obviously necessary. The paragraph also provides for the method by which a neutral state may accede to the covenant.

The third paragraph of Article I is new, providing for the withdrawal of any member of the League on a notice given of two years.

The second paragraph of Article IV is new, providing for a possible increase in the Council, should other powers be added to the League of Nations whose present accession is not anticipated.

The last two paragraphs of Article IV are new, providing specifically for one vote for each member of the League in the Council, which was understood before, and providing also for one representative of each member of the League.

The first paragraph of Article V is new, expressly incorporating the provision as to the unanimity of voting, which was at first taken for granted.

The second paragraph of Article VI has had added to it that a majority of the assembly must approve the appointment of the Secretary General.

The first paragraph of Article VII names Geneva as the seat of the League and is followed by a second paragraph which gives the Council power to establish the seat of the League elsewhere should it subsequently deem it necessary.

The third paragraph of Article VII is new, establishing equality of employment of men and women, that is to say, by the League.

The second paragraph of Article XIII is new, inasmuch as it undertakes to give instances of disputes which are generally suitable for submission to arbitration, instances of what have latterly been called "justiciable" questions.

The eighth paragraph of Article XV is new. This is the amendment regarding domestic jurisdiction, that where the Council finds that a question arising out of an international dispute affects matters which are clearly under the domestic jurisdiction of one or other of the parties, it is to report to that effect and make no recommendation.

The last paragraph of Article XVI is new, providing for an expulsion from the League in certain extraordinary circumstances.

Article XXI is new.

The second paragraph of Article XXII inserts the words with regard to mandatories: "and who are willing to accept it," thus explicitly introducing the principle that a mandate cannot be forced upon a nation unwilling to accept it.

Article XXIII is a combination of several former Articles, and also contains the following: a clause providing for the just treatment of aborigines; a clause looking toward a prevention of the white slave traffic and the traffic in opium, and a clause looking toward progress in international prevention and control of disease.

Article XXV specifically mentions the Red Cross as one of the international organizations which are to connect their work with the work of the League.



Article XXVI permits the amendment of the covenant by a majority of the states composing the Assembly, instead of three-fourths of the states, though it does not change the requirement in that matter with regard to the vote in the Council.

The second paragraph of Article XXVI is also new, and was added at the request of the Brazilian delegation, in order to avoid certain constitutional difficulties. It permits any member of the League to dissent from an amendment, the effect of such dissent being withdrawal from the League.

And the annex is added, giving the names of the signatories of the treaty, who become members, and the names of the states invited to accede to the covenant. These are all the changes, I believe, which are of moment.

Mr. President, I take the opportunity to move the following resolutions in order to carry out the provisions of the covenant. You will notice that the covenant provides that the first Secretary General shall be chosen by this Conference. It also provides that the first choice of the four member states who are to be added to the five great Powers on the Council is left to this Conference.

I move, therefore, that the first Secretary General of the Council shall be the Honorable Sir James Eric Drummond; and, second, that until such time as the Assembly shall have selected the first four members of the League to be represented on the Council in accordance with Article IV of the covenant, representatives of Belgium, Brazil, Greece, and Spain shall be members; and, third, that the Powers to be represented on the Council of the League of Nations are requested to name representatives who shall form a committee of nine to prepare plans for the organization of the League and for the establishment of the seat of the League, and to make arrangements and to prepare the agenda for the first meeting of the Assembly, this committee to report both to the Council and to the Assembly of the League.

I think it not necessary to call your attention to other matters we have previously discussed—the capital significance of this covenant, the hopes which are entertained as to the effect it will have upon steadying the affairs of the world, and the obvious necessity that there should be a concert of the free nations of the world to maintain justice in international relations, the relations between peoples and between the nations of the world.

If Baron Makino will pardon me for introducing a matter which I absent-mindedly overlooked, it is necessary for me to propose the alteration of several words in the first line of Article V. Let me say that in several parts of the Treaty, of which this covenant will form a part, certain duties are assigned to the Council of the League of Nations. In some instances it is provided that the action they shall take shall be by a majority vote. It is therefore necessary to make the covenant conform with the other portions of the Treaty by adding these words. I will read the first line and add the words:

"Except where otherwise expressly provided in this covenant, or by the terms of this Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the members of the League represented at the meeting."

"Except where otherwise expressly provided in this covenant" is the present reading, and I move the addition "or by the terms of this Treaty." With that addition, I move the adoption of the covenant.

# INTERNATIONAL CONCILIATION

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## I

# REPORT OF THE COMMISSION ON INTERNATIONAL LABOR LEGISLATION OF THE PEACE CONFERENCE

## 1. TERMS OF REFERENCE AND CONSTITUTION OF COMMISSION

The Commission on International Labor Legislation was appointed by the Peace Conference on the 31st January, 1919. The terms of reference were as follows:

"That a Commission, composed of two representatives apiece from the five Great Powers, and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in coöperation with and under the direction of the League of Nations."

At a meeting of the other States on the 27th January, 1919, it was agreed that Belgium should nominate two representatives on the Commission, and Cuba, Poland, and the Czecho-Slovak Republic one each.

The Commission was composed as follows:

UNITED STATES OF AMERICA. Mr. Samuel Gompers, President of the American Federation of Labor; Hon. A. N. Hurley, President of the American Shipping Board. (Substitutes: Hon. H. M. Robinson, Dr. J. T. Shotwell, Professor at Columbia University.)

THE BRITISH EMPIRE. The Rt. Hon. G. N. Barnes, M.P., Member of the War Cabinet. (Substitute: Mr. H. B. Butler, C.B., Assistant Secretary, Ministry of Labor.) Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary of State, Home Office.

- FRANCE. Mr. Colliard, Minister of Labor. (Substitute: Mr. Arthur Fontaine, Counsellor of State, Director of Labor.) Mr. Loucheur, Minister of Industrial Reconstruction. (Substitute: Mr. Léon Jouhaux, General Secretary of the Confédération Générale du Travail.)
- ITALY. Baron Mayor des Planches, Hon. Ambassador, Commissioner-General for Emigration. Mr. Cabrini, Deputy, Vice-President of the Supreme Labor Council. (Substitute: Mr. Coletti.)
- JAPAN. Mr. Otchiai, Envoy Extraordinary, Minister Plenipotentiary of His Majesty The Emperor of Japan at The Hague. Mr. Oka, formerly Director of Commercial and Industrial Affairs at the Ministry of Agriculture and Commerce.
- BELGIUM. Mr. Vandervelde, Minister of Justice and of State. (Substitute: Mr. La Fontaine, Senator.) Mr. Mahaim, Professor at Liège University, Secretary to the Belgian Section of the Association for the Legal Protection of Workmen.
- CUBA. Mr. De Bustamante, Professor at Havana University. (Substitutes: Mr. Raphael Martinez Ortiz, Minister Plenipotentiary; Mr. De Blanck, Minister Plenipotentiary.)
- POLAND. Count Zoltowski, Member of the Polish National Committee, afterwards replaced by Mr. Stanislas Patek, Counsellor of the Court of Cassation. (Substitute: Mr. François Sokal, Director-General of Labor.)
- CZECHO-SLOVAK REPUBLIC. Mr. Benès, Minister for Foreign Affairs, afterwards replaced by Mr. Rudolph Broz.

The following were appointed officers of the Commission:

- President*, Mr. Samuel Gompers (U. S. A.);
- Vice-Presidents*: The Rt. Hon. G. N. Barnes, M.P. (British Empire), Mr. Colliard (France);
- General Secretary*, Mr. Arthur Fontaine (France);
- Assistant General Secretary*, Mr. H. B. Butler (British Empire);
- Secretaries*: Baron Capelle (substitute, Count de Grunne), Belgium; Mr. di Palma Castiglione, Italy; Mr. Oyster, U. S. A.; Mr. Yoshisaka, Japan.

## 2. REPORT OF THE COMMISSION

The Commission has held thirty-five meetings, and has drawn up its conclusions in two parts. The first is a draft convention

containing provisions for the establishment of a permanent organization for international labor legislation. This convention, which was based on a draft presented by the British Delegation, has been the subject of the most careful examination and discussion. The first part of this report may conveniently take the form of a commentary thereon. The second part of the Commission's conclusions is in the form of clauses containing declarations of principle in regard to a number of matters which are of vital importance to the labor world. At the opening sittings, the various Delegations agreed on the need for such declarations, which the Commission suggests should be included in the Treaty of Peace, in order that it may mark not only the close of the period which culminated in the world-war, but also the beginning of a better social order and the birth of a new civilization.

## PART I. PERMANENT ORGANIZATION

### PREAMBLE

The main idea underlying the scheme embodied in the Convention is that the constitution of the League of Nations will not provide a real solution of the troubles which have beset the world in the past, and will not even be able to eliminate the seeds of international strife, unless it provides a remedy for the industrial evils and injustices which mar the present state of society. In proposing, therefore, to establish a permanent organization in order to adjust labor conditions by international action, the Commission felt that it was taking an indispensable step towards the achievement of the objects of the League of Nations and has given expression to this idea in the Preamble, which defines the objects and scope of the proposed organization.

### CHAPTER I

Chapter I provides the machinery of the permanent organization proposed. In the first place, it is stipulated (Article 1) that participation in this organization shall be a condition of membership of the League of Nations, since every State Member of the League is morally bound to accept the principles set forth in the Preamble, if it has really at heart the promotion of the cause of justice and humanity.

The organization itself is divided into two parts: (1) The International Labor Conference; (2) The International Labor Office controlled by a Governing Body. (Article 2.)

### *1. International Labor Conference*

This Conference will meet at least annually and will consist of delegates nominated by each of the High Contracting Parties, two of whom will be directly appointed by the Governments, and the other two will be chosen in agreement with the industrial organizations representative of their employers and workpeople respectively. (Article 3.)

Each delegate will vote individually (Article 4). It was strongly felt by the Commission that if the Conference was really to be representative of all those concerned with industry and to command their confidence, the employers and workpeople must be allowed to express their views with complete frankness and freedom, and that a departure from the traditional procedure of voting by national units was therefore necessary. It was accordingly thought that the employers' and workpeople's delegates should be entitled to speak and vote independently of their Governments.

Some difference of opinion made itself felt on the Commission as to the relative numbers of the delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban Delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other Delegations, who pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal voice. Otherwise, it might often happen that conventions adopted by a two-thirds majority of the Conference would be



rejected by the legislatures of the various States, which would have the effect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible, if the employers voted in a body against them.

The Commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

The Italian Delegation, which united with the French Delegation in urging the importance of securing representation for agricultural interests, were to some extent reconciled to the above decision by the consideration that, as the Governments would have two delegates, it would be easier to secure such representation. It should also be observed that, as different technical advisers may be appointed for each subject of discussion, agricultural advisers may be selected, when necessary.

## 2. *International Labor Office (Articles 6 to 13)*

This Office will be established at the seat of the League of Nations, as part of its administrative organization. It will be controlled by a Governing Body of twenty-four members, the composition of which is provided for in the Protocol to Article 7. Like the Conference, the Governing Body will consist of representatives of the Governments, employers and workpeople. It will include twelve representatives of the Governments, eight of whom will be nominated by the States of chief industrial importance, and the remaining twelve will consist of six members nominated by the employers' delegates to the Conference, and six nominated by the workers' delegates. The objects and functions of the Office are sufficiently explained in the articles referred to.

## CHAPTER II

I. *Procedure (Articles 14 to 21)*

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft conventions agreed upon by the International Conference.

The original draft proposed that any draft convention adopted by the Conference by a two-thirds majority must be ratified by every State participating, unless within one year the national legislature should have expressed its disapproval of the draft convention. This implied an obligation on every State to submit any draft convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favor of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature, whose decisions should be binding on the different States was possible, yet it was essential for the progress of international labor legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favored by a two-thirds majority of the Labor Conference.

The French and Italian Delegations, on the other hand, desired that States should be under an obligation to ratify conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other Delegations, though not unsympathetic to the hope expressed in the first resolution printed at the end of the draft convention, that in course of time the Labor Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labor legislation, the result would be that a considerable number of States would either refuse to accept the present convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their

membership of the League of Nations rather than jeopardize their national economic position by being obliged to carry out the decisions of the International Labor Conference. The majority of the Commission therefore decided in favor of making ratification of a convention subject to the approval of the national legislatures or other competent authorities.

The American Delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitution of certain federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify conventions dealing with matters within the competence of the forty-eight States of the Union, with which the power of Labor legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the Supreme Judicial Authorities. The Government could not therefore engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labor legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labor Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 as now drafted represents a solution found by a Sub-Commission consisting of representatives of the American, British and Belgian Delegations specially appointed to consider the question.

It provides that the decisions of the Labor Conference may take the form either of recommendations or of draft conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a recommendation effective follows, or if a draft convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a federal State, however, whose power to enter into conventions on labor matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

The Commission felt that there might in any event be instances in which the form of a recommendation affirming a principle would be more suitable than that of a draft convention, which must necessarily provide for the detailed application of principles in a form which would be generally applicable by every State concerned. Subjects will probably come before the Conference which, owing to their complexity and the wide differences in the circumstances of different countries, will be incapable of being reduced to any universal and uniform mode of application. In such cases a convention might prove impossible, but a recommendation of principles in more or less detail which left the individual States freedom to apply them in the manner best suited to their conditions would undoubtedly have considerable value.

The exception in the case of federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other States in regard to draft conventions. But it will be observed that the exception extends only to those Federal States which are subject to limitations in respect of their treaty-making powers on labor matters, and further that it only extends in so far as those limitations apply in any particular case. It will not apply in the case of a convention to which the limitations do not apply, or after any such limitations as may at present exist have been removed. Though reluctant to contemplate an arrangement under which all States would not be under identical obligations, the Commission felt that it was impossible not to recognize the constitutional difficulties which undoubtedly existed in the case of



certain Federal States, and therefore proposed the above solution as the best possible in the circumstances.

Attention should be drawn to the protocol to Article 19. The fear was expressed that the article might be interpreted as implying that a State would be required to diminish the protection already afforded to the workers by its legislation as a result of the adoption of a recommendation or draft convention by the Conference; and in consequence, the protocol was added in order to make it quite clear that such an interpretation was inadmissible.

It should be added that the Japanese Delegation abstained from voting on Article 19, as they had not yet received instructions from their Government in the matter. The Italian Delegation also abstained on the ground of the inadequacy of the powers given to the Conference.

## *2. Enforcement (Articles 22 to 34)*

These articles provide machinery whereby a State which fails to carry out its obligations arising under Article 19, or which fails to enforce a convention which it has ratified, may be made subject to economic measures. This machinery is briefly as follows:

An industrial association of employers and workpeople may make representations to the International Labor Office which the Governing Body may at its discretion communicate to the State complained of for its observations. (Article 23.) If no satisfactory reply is received, the Governing Body may publish the correspondence (Article 24), which in most cases will probably create sufficient pressure by public opinion to cause the complaint to be remedied.

The Governing Body also has the power, either on its own motion or on receipt of a complaint from a Government or from a Delegate to the Conference, to apply to the Secretary-General of the League of Nations to nominate a commission of enquiry. For the purpose of such enquiries, each High Contracting Party undertakes to nominate one employer, one workman and one person of independent standing, and each commission shall consist of one person drawn from each of these three categories. (Articles 25 and 26.) The Commission will report on the facts, recommend the steps which should be taken to meet the complaint, and indicate the economic measures, if any, which it

considers would be appropriate in the event of the condition complained of not being remedied. (Article 28.)

Appeal may be made to the Permanent Court of International Justice of the League of Nations, which shall have power to review the findings of the Commission. (Articles 29 to 32.) If the defaulting State fails to carry out the recommendations of the Commission or the Permanent Court, as the case may be, within the specified time, it will then be open to the other States to take the economic measures indicated against it. (Article 33.)

It will be seen that the above procedure has been carefully devised in order to avoid the imposition of penalties, except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a convention. It can hardly be doubted that it will seldom, if ever, be necessary to bring these powers into operation, but the Commission consider that the fact of their existence is nevertheless a matter of almost vital importance to the success of the scheme.

The representatives of the working classes in some countries have pressed their delegates to urge more drastic provisions in regard to penalties. The Commission, while taking the view that it will in the long run be preferable as well as more effective to rely on the pressure of international public opinion rather than on economic measures, nevertheless considers it necessary to retain the possibility of the latter in the background. If all forms of sanction were removed, the effectiveness of the scheme, and, what is almost equally important, the belief in its effectiveness, would be in a great measure destroyed.

### CHAPTER III

#### *General*

This Chapter does not call for much comment, but attention should perhaps be drawn to the provisions of Article 35, which provide that the British Dominions and India, and any colonies or possessions of any State which may hereafter be recognized as fully self-governing by the Executive Council of the League of Nations, shall have the same rights and obligations under the convention as if they were separate High Contracting Parties. It seemed evident to the Commission that colonies which were fully self-governing, not only as regards labor legislation but generally, must be regarded as separate entities for the purposes of the Labor Conference, but it was decided that a State and its

self-governing colonies should not have more than one seat in the Governing Body. In the case of colonies which are not fully self-governing, the mother country undertakes the obligation to apply labor conventions to them, unless local conditions render it impossible to apply them either wholly or in part.

#### CHAPTER IV *Transitory Provisions*

This Chapter provides, *inter alia*, for the holding of the first Conference in October, 1919.

The Commission felt it was essential that the Conference should meet at the earliest possible moment, but that, if it was to do its work effectively, some time must be allowed for the collection of information and for the different countries to prepare their views on the various subjects for discussion. The Conference could, therefore, hardly meet earlier than October. In the schedule to Article 39, it is proposed that the arrangements for this Conference should be made by an international committee consisting of representatives of the States named, with power to invite other States to send representatives, if necessary. It is suggested that the United States Government might be willing to convene the Conference at Washington, and the Commission much hopes that they will be willing to undertake this task. It is also suggested that the Peace Conference should approve the agenda set out in the same schedule.

The Italian Delegation proposed that all Nations should be admitted to the Conference immediately after the signature of the Peace Treaty, but the Commission confined itself to passing the second resolution attached to the draft convention.

In conclusion, it should be remarked that after a long discussion on the question of adopting certain measures in the interest of seamen, the Commission thought that "the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen," at which the Delegates and technical advisers could accordingly be chosen from the shipping community. (See resolution attached to the Convention.)

#### PART 2. LABOR CLAUSES

The Commission were unanimous in thinking that their work would not be complete if it were simply confined to setting up a

permanent machinery for International Labor Legislation. It was not within their competence or within their terms of reference to deal with specific questions relating to industrial conditions and to work them out with the detail necessary for the framing of proposals which could be accepted in a binding form. So impressed were they, however, with the urgent need for recognizing explicitly certain fundamental principles as necessary to social progress, that they decided to submit a series of declarations for insertion in the Peace Treaty. They did not feel called upon, however, to draw up a Charter containing all the reforms which may be hoped for in a more or less distant future, but confined themselves to principles the realization of which may be contemplated in the near future.

It will be seen that the High Contracting Parties are not asked to give immediate effect to them, but only to endorse them generally. It will be the duty of the International Labor Conference to examine them thoroughly and to put them in the form of recommendations or draft conventions elaborated with the detail necessary for their practical application.

Proposals were placed before the Commission by the Italian, French, American, Belgian and British Delegations as to the declarations which should be made. The Commission decided that no declaration should be submitted to the Peace Conference, unless it were adopted by a two-thirds majority, and it now has the honor of submitting nine declarations, all of which obtained such a majority and some of which were adopted unanimously.

It should be added, in conclusion, that a majority, but not a two-thirds majority, was obtained for a proposal couched in very general terms which suggested the application to agriculture of the general principles of labor legislation, and which arose out of an Italian proposal in regard to the limitation of the hours of work in agriculture. The delegates who voted against this proposal were, as they explained, by no means hostile to its general idea, but they thought that a proposal in such wide terms was not suitable for inclusion among the declarations to be put forward.

ARTHUR FONTAINE,  
*General Secretary.*

SAMUEL GOMPERS,  
*President.*

HAROLD BUTLER,  
*Assistant General Secretary.*

Paris, March 24, 1919



### 3. DRAFT CONVENTION

#### *A Draft Convention Creating a Permanent Organization for the Promotion of the International Regulation of Labor Conditions.*

##### PREAMBLE

WHEREAS, the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labor exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of technical and vocational education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following convention:

#### CHAPTER I. *Organization*

##### ARTICLE I

The High Contracting Parties, being the States members of the League of Nations, hereby decide to establish a permanent organization for the promotion of the objects set forth in the Preamble, and for this purpose hereby accept the provisions contained in the following Articles.

## ARTICLE 2

The permanent organization shall consist of (i) a General Conference of Representatives of the High Contracting Parties and (ii) an International Labor Office controlled by the Governing Body described in Article 7.

## ARTICLE 3

The meetings of the General Conference of Representatives of the High Contracting Parties shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the High Contracting Parties, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the High Contracting Parties.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The High Contracting Parties undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Each Delegate may be accompanied at each sitting of the Conference by not more than two advisers. The advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

A Delegate may in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labor Office by the Government of each of the High Contracting Parties.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with the undertaking contained in this Article.

## ARTICLE 4

Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the High Contracting Parties fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the High Contracting Parties, the provisions of the present Article shall apply as if that Delegate had not been nominated.

## ARTICLE 5

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

## ARTICLE 6

The International Labor Office shall be established at the seat of the League of Nations as part of the organization of the League.

## ARTICLE 7

The International Labor Office shall be under the control of a Governing Body consisting of 24 members, appointed in accordance with the provisions of the Protocol hereto.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 10 members.

## ARTICLE 8

There shall be a Director of the International Labor Office appointed by the Governing Body, who shall, subject to the instructions of the Governing Body, be responsible for the efficient conduct of the International Labor Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

## ARTICLE 9

The staff of the International Labor Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons should be women.

## ARTICLE 10

The functions of the International Labor Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Convention in connection with international disputes.

It will edit and publish a periodical paper in the French and English languages, and in such other languages as the Governing Body may think desirable, dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this article, it shall have such other functions, powers and duties as may be assigned to it by the Conference.

## ARTICLE 11

The Government Departments of any of the High Contracting Parties which deal with questions of industry and employment may communicate directly with the Director through the Representative of their State on the Governing Body of the International Labor Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

## ARTICLE 12

The International Labor Office shall be entitled to the assistance of the Secretary General of the League of Nations in any matter in which it can be given.



## ARTICLE 13

Each of the High Contracting Parties will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labor Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II. *Procedure*

## ARTICLE 14

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the High Contracting Parties or by any representative organization recognized for the purpose of Article 3.

## ARTICLE 15

The Director shall act as the Secretary of the Conference, and shall circulate the agenda to reach the High Contracting Parties, and through them the non-Government Delegates when appointed, four months before the meeting of the Conference.

## ARTICLE 16

Any of the Governments of the High Contracting Parties may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the High Contracting Parties. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favor of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference,

that subject shall be included in the agenda for the following meeting.

#### ARTICLE 17

The Conference shall regulate its own procedure, shall elect its own President, and may appoint Committees to consider and report on any matter.

Except as otherwise expressly provided in this Convention, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

A vote shall be void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

#### ARTICLE 18

The Conference may add to any Committees which it appoints technical experts, who shall be assessors without power to vote.

#### ARTICLE 19

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the High Contracting Parties for consideration with a view to its being given effect by national legislation or otherwise, or (b) of a draft international convention for ratification by the High Contracting Parties.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary General of the League of Nations. The Secretary General will communicate a certified copy of the recommendation or draft convention to each of the High Contracting Parties.

Each of the High Contracting Parties undertakes that it will, within the period of one year at most, from the end of the meeting of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action.

In the case of a recommendation, the High Contracting Parties will inform the Secretary General of the action taken.

In the case of a draft convention, the High Contracting Party, will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action to make such recommendation effective is taken, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the High Contracting Party.

In the case of a federal State, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of the Government of such State to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

*(In regard to the interpretation of this Article reference should be made to the Protocol.)*

#### ARTICLE 20

Any convention so ratified shall be registered by the Secretary General of the League of Nations, but shall only be binding upon the States which ratify it, subject to any conditions which may be contained in the convention itself.

#### ARTICLE 21

If any convention laid before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the High Contracting Parties to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments of the States concerned to the Secretary General of the League of Nations, who shall register it.

#### ARTICLE 22

Each of the High Contracting Parties agrees to make an annual report to the International Labor Office on the measures which it

has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

#### ARTICLE 23

In the event of any representation being made to the International Labor Office by an industrial association of employers or of workpeople that any of the High Contracting Parties has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the State against which it is made and may invite that State to make such statement on the subject as it may think fit.

#### ARTICLE 24

If no statement is received within a reasonable time from the State against which the representation is made, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

#### ARTICLE 25

Any of the High Contracting Parties shall have the right to file a complaint with the International Labor Office if it is not satisfied that any other of the High Contracting Parties is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the State against which the complaint is made in the manner described in Article 23.

If the Governing Body do not think it necessary to communicate the complaint to the State against which it is made, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.



The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 24 or 25 is being considered by the Governing Body, the State against which the representation or complaint is made shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the State against which the representation or complaint is made.

#### ARTICLE 26

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the High Contracting Parties agrees to nominate within six months of the date on which this Convention comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workpeople, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the members present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

Upon the application of the Governing Body, the Secretary General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any State directly concerned in the complaint.

#### ARTICLE 27

The High Contracting Parties agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 25, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the

information in their possession which bears upon the subject-matter of the complaint.

#### ARTICLE 28

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting State which it considers to be appropriate, and which it considers other States would be justified in adopting.

#### ARTICLE 29

The Secretary General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the States concerned in the complaint, and shall cause it to be published.

Each of these States shall within one month inform the Secretary General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

#### ARTICLE 30

In the event of any of the High Contracting Parties failing to take within the specified period the action required by Article 19, any other of the High Contracting Parties shall be entitled to refer the matter to the Permanent Court of International Justice.

#### ARTICLE 31

The decision of the Permanent Court of International Justice to which a complaint has been referred shall be final.

#### ARTICLE 32

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character against a defaulting State which it considers to be appropriate, and which other States would be justified in adopting.

## ARTICLE 33

In the event of any State failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other State may take against that State the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

## ARTICLE 34

The defaulting State may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or decision of the Permanent Court of International Justice is in favor of the defaulting State, the other States shall forthwith discontinue the measures of an economic character that they have taken against the defaulting State.

CHAPTER III. *General*

## ARTICLE 35

The British Dominions and India shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

The same shall apply to any colony or possession of any of the High Contracting Parties which on the application of such High Contracting Party is recognized as fully self-governing by the Executive Council of the League of Nations.

The High Contracting Parties engage to apply conventions which they have ratified in accordance with the provisions of the present Convention to their colonies, protectorates and possessions, which are not fully self-governing:

1. Except where owing to the local conditions the convention is inapplicable, or
2. Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the High Contracting Parties shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

#### ARTICLE 36

Any State not a party to this Convention, which may hereafter become a member of the League of Nations, shall be deemed *ipso facto* to have adhered to this Convention.

#### ARTICLE 37

Amendments to this Convention which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the Executive Council of the League of Nations and by three-fourths of the States whose representatives compose the body of delegates of the League.

#### ARTICLE 38

Any question or dispute relating to the interpretation of this Convention or of any subsequent Convention concluded by the High Contracting Parties in pursuance of the provisions of this Convention shall be referred for decision to the Permanent Court of International Justice.

### CHAPTER IV. *Transitory Provisions*

#### ARTICLE 39

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the schedule annexed hereto.

Arrangements for the convening and the organization of the first meeting of the Conference will be made by the Government designated for the purpose in the said schedule. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said schedule.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the High Contracting Parties in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.



## ARTICLE 40

Until the League of Nations has been constituted all communications which under the provisions of the foregoing articles should be addressed to the Secretary General of the League will be preserved by the Director of the International Labor Office, who will transmit them to the Secretary General of the League when appointed.

## ARTICLE 41

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Convention would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Executive Council of the League of Nations.

## PROTOCOL TO ARTICLE 7

The Governing Body of the International Labor Office shall be constituted as follows:

- Twelve representatives of the Governments,
- Six members elected by the Delegates to the Conference representing the employers,
- Six members elected by the Delegates to the Conference representing the workpeople.

Of the 12 members representing the Governments eight shall be nominated by the High Contracting Parties which are of the chief industrial importance, and four shall be nominated by the High Contracting Parties selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight States mentioned above. No High Contracting Party, together with its Dominions and Colonies, whether self-governing or not, shall be entitled to nominate more than one member.

Any question as to which are the High Contracting Parties of the chief industrial importance shall be decided by the Executive Council of the League of Nations.

The period of office of members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

## PROTOCOL TO ARTICLE 19

In no case shall any of the High Contracting Parties be asked or required, as a result of the adoption of any recommendation or

draft convention by the Conference, to diminish the protection afforded by its existing legislation to the workers concerned.

#### SCHEDULE REFERRED TO IN ARTICLE 39

##### *First Meeting of Annual Labor Conference, 1919*

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organizing Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other States to appoint representatives.

#### AGENDA

1. Application of principle of 8 hours day or of 48 hours week.
2. Question of preventing or providing against unemployment.
3. Women's employment—
  - (a) Before and after child-birth, including the question of maternity benefit.
  - (b) During the night.
  - (c) In unhealthy processes.
4. Employment of children—
  - (a) Minimum age of employment
  - (b) During the night.
  - (c) In unhealthy processes.
5. Extension and application of the International Conventions adopted at Berne in 1906, on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

#### 4. RESOLUTIONS ADOPTED BY THE COMMISSION

##### *I—Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International

Labor Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

*II—Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission being of opinion that an international code of Labor legislation which will be really effective cannot be secured without the coöperation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present draft Convention to the neutral powers for their information before finally adopting it.

*III—Resolution proposed by the French Delegation.*

The Commission considers that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

**5. CLAUSES PROPOSED FOR INSERTION IN THE TREATY OF PEACE**

The High Contracting Parties declare their acceptance of the following principles and engage to take all necessary steps to secure their realization in accordance with the recommendation to be made by the International Labor Conference as to their practical application:

1. In right and in fact the labor of a human being should not be treated as merchandise or an article of commerce.
2. Employers and workers should be allowed the right of association for all lawful purposes.
3. No child should be permitted to be employed in industry or commerce before the age of fourteen years, in order that every child may be ensured reasonable opportunities for mental and physical education.

Between the years of fourteen and eighteen, young persons of either sex may only be employed on work which is not harmful to their physical development and on condition that

the continuation of their technical or general education is ensured.

4. Every worker has a right to a wage adequate to maintain a reasonable standard of life having regard to the civilization of his time and country.
5. Equal pay should be given to women and to men for work of equal value in quantity and quality.
6. A weekly rest, including Sunday, or its equivalent for all workers.
7. Limitation of the hours of work in industry on the basis of eight hours a day or forty-eight hours a week, subject to an exception for countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances render the industrial efficiency of the workers substantially different.

The International Labor Conference will recommend a basis approximately equivalent to the above for adoption in such countries.

8. In all matters concerning their status as workers and social insurance foreign workmen lawfully admitted to any country and their families should be ensured the same treatment as the nationals of that country.
9. All States should institute a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers.



## II

THE BRITISH NATIONAL INDUSTRIAL  
CONFERENCE

## REPORT OF THE PROVISIONAL JOINT COMMITTEE

Reprinted from *The London Times*, March 27, 1919

At the Industrial Conference called by the Government and held at the Central Hall, Westminster, on February 27 last, it was resolved:

"That this Conference, being of the opinion that any preventible dislocation of industry is always to be deplored, and, in the present critical period of reconstruction, might be disastrous to the interests of the nation, and thinking every effort should be made to remove legitimate grievances and promote harmony and good will, resolves to appoint a Joint Committee, consisting of equal numbers of employers and workers, men and women, together with a chairman appointed by the Government, to consider and report to a further meeting of this Conference on the causes of the present unrest and the steps necessary to safeguard and promote the best interests of employers, workpeople, and the State, and especially to consider:

1. Questions relating to Hours, Wages, and General Conditions of Employment;
2. Unemployment and its prevention;
3. The best methods of promoting coöperation between Capital and Labor.

"The Joint Committee is empowered to appoint such Sub-Committees as may be considered necessary consisting of equal numbers of employers and workers, the Government to be invited to nominate a representative for each.

"In view of the urgency of the question the Joint Committee is empowered to arrange with the Government for the reassembling of the National Conference not later than April the 5th for the purpose of considering the Report of the Joint Committee."

A Committee was elected accordingly, and the Government nominated Sir Thomas Munro to be Chairman. Certain elected

members, for reasons of health or other engagements, were unable to accept membership, and the Committee was finally constituted as follows:

*Chairman*, Sir THOMAS MUNRO, K.B.E.

*Secretary*, Mr. C. S. HURST (*Ministry of Labor*)

#### EMPLOYERS

Sir Allan M. Smith (Engineering), Mr. E. J. Brown (Building), Mr. E. J. Burt (Quarrying), Sir George Carter (Shipbuilding), Mr. Benjamin Talbot (Iron and Steel), Mr. J. W. Madeley (Other Metal Trades), Mr. J. A. Crerar (Clothing), Mr. W. Hamlin-Hamshaw (Vehicle Building), Mr. A. F. Blades (Printing), Mr. J. J. Stark (Laundries), Mr. Sydney W. Pascall (Food Manufacture), Sir W. Raeburn, M.P. (Shipping), Sir A. K. Butterworth (Railways), Mr. A. E. Tanner (Cable Manufacture), Mr. H. Padwick (Agriculture), Mr. J. T. Goudie or Mr. P. H. Lockhart (Rubber Manufacture), Mr. Roscoe Brunner (Chemicals), Mr. Walter Birch (Furniture), Mr. David Milne Watson (Gas), Mr. F. J. Farrell (Silk), Mr. Owen Parker (Boots and Shoes), Mr. Thomas Robinson, M.P. (Bleaching, Dyeing, and Textiles), Mr. C. R. Seddon (Paper), Mr. T. B. Johnston (Pottery), Mr. Randle L. Mathews (Leather), Mr. G. A. Dutfeld (Transport), Mr. Fred Holroyd (Cotton), Mr. Henry S. Clough (Wool), Sir Alfred Booth, Bt., or Colonel H. Concanon (Dock and Riverside), Reserved for Mining, Mr. J. McKie Bryce, Secretary.

#### TRADE UNIONS

Rt. Hon. Arthur Henderson (Friendly Society of Ironfounders), Mr. W. Bradshaw (National Federation of Building Trades Operatives), Mr. H. Parker (National Council of Mine Workers other than Miners), Mr. John Hill (United Society of Boilermakers and Iron and Steel Shipbuilders), Mr. C. Duncan (the Workers' Union), Mr. W. J. Davis (National Brassworkers and Metal Mechanics), Mr. A. Conley (United Garment Workers' Trade Union), Mr. J. Compton (United Kingdom Society of Coachmakers), Mr. A. E. Holmes (Printing and Kindred Trades Federation of the United Kingdom), Miss Margaret Bondfield (National Federation of Women Workers), Mr. W. Banfield (Amalgamated Union of Operative Bakers, Confectioners, etc.), Mr. W. F. Purdy (Shipconstructors' and Shipwrights' Society), Mr. W. F. Dawtrey (Steam Engine Makers' Society), Mr. G. H. Stuart-Bunning (Postal Workers), Mr. R. Walker (National Agricultural Laborers' and Rural Workers' Union), Mr. J. Turner (National Amalgamated Union of Shop Assistants, Warehousemen, and Clerks), Mr. J. C. Gordon (National Amalgamated Sheet Metal Workers and Braziers), Mr. A. A. Purcell (National Amalgamated

Furnishing Trades Association), Rt. Hon. J. R. Clynes, M.P. (National Federation of General Workers), Mr. J. Cross or Mr. J. Hindle (United Textile Factory Workers' Association), Mr. E. L. Poulton (National Union of Boot and Shoe Operatives), Mr. Gilbert W. Jones (Operative Bleachers, Dyers, and Finishers' Association), Miss A. H. Tynan (Society of Women Welders), Mr. W. J. Wentworth (Amalgamated Society of Woodcutting Machinists of Great Britain and Ireland), Mr. J. Marston (National Union of Police and Prison Officials), Mr. A. Logan (Central Ironmolders' Association), Mr. J. Whitehead (West of Scotland Brass Turners, Fitters, Finishers, and Instrument Makers' Trade Union), Mr. H. Stansfield (National Society of Coppersmiths, Braziers, and Metal Workers), Mr. C. G. Ammon (Port of London Docks and Wharves Staff Association), Mr. J. J. Mallon (Trade Board), Mr. G. D. H. Cole, Secretary.

The first meeting of the Joint Committee, which was addressed by the Prime Minister, was held on March 4, and the following resolution was carried:

That this Committee, in order that its work may be accomplished as expeditiously and thoroughly as possible, divide itself into three Sub-Committees, with the following terms of reference:

- (1) To make recommendations concerning:
  - (a) The methods of negotiation between employers and Trade Unions, including the establishment of a permanent Industrial Council to advise the Government on industrial and economic questions with a view to maintaining industrial peace.
  - (b) The method of dealing with war advances, and
  - (c) The methods of regulating wages for all classes of workers, male and female, by legal enactment or otherwise.
- (2) To make recommendations as to the desirability of legislation for a maximum number of working hours and a minimum rate of wages per week.
- (3) To consider the question of unemployment and to make recommendations for the steps to be taken for its prevention, and for the maintenance of the unemployed in those cases in which it is not prevented, both during the present emergency period, and on a permanent basis.

NOTE—Unrest and output to be discussed by the whole Committee at its next meeting on statements previously submitted by the parties.

The Government were requested to nominate Chairmen of the Sub-Committees, and for this purpose the services of Sir David

Shackleton, K.C.B., and Professor L. T. Hobhouse, D.Litt., were obtained, in addition to those of Sir Thomas Munro.

The work of the Committee has proceeded almost continuously till the present date. They have not considered it necessary or practicable to take oral evidence, but numerous representations and suggestions in writing have been placed before them and considered.

Full information and statistics relating to the subjects under consideration have, at the request of the Committee, been supplied by the Ministry of Labor, the Home Office, and from other sources.

As appears from the terms of reference the Committee were entrusted with the duty of suggesting means whereby dislocation of industry, particularly at the present critical period, should be prevented in the interests of the Nation. It was the expressed opinion of the Conference that to secure this end it was necessary that legitimate grievances should be removed, and that harmony and good will should be promoted. The Committee were asked to consider and report upon the causes of the present unrest, and the steps necessary to safeguard and promote the best interests of Employers, Workpeople, and State. In approaching the subject they were specially directed to consider certain specific subjects.

In regard to these specific subjects there was general agreement that there were difficulties affecting hours and conditions of employment, wages, and the methods of their determination; that the whole question of preventing unemployment and providing for its consequence on the individual worker when it did occur called for further provision; and that machinery for promoting coöperation between employers and employees should, where necessary, be revised and improved, and should be extended to include other industries where methods of negotiation and agreement do not at present exist.

At the same time it has been realized that the field of inquiry opened up by the terms of reference is a vast one, and that to explore and report upon it as a whole would require a far closer and more prolonged examination of its numerous aspects, both political and economic, than could be even contemplated by the present Committee in the short period of time allotted to them.

On the causes of industrial unrest and their suggested remedies, the Trade Union representatives submitted a comprehensive



memorandum, setting out causes and suggesting remedies. It is their express wish that it shall be published in this report, and it is accordingly printed in full in the appendix hereto. Several questions referred to in this memorandum have been the subject of consideration by the Committee, and recommendations are made in this report which it is believed will provide effective means to remedy or alleviate certain of the grievances which are advanced.

It has been impossible, however, to attempt any exhaustive investigation into every aspect of unrest, to examine fully the relation between underconsumption and unemployment, between wage standards and purchasing power, the relationship of production to the whole economic and industrial situation, and many other fundamental but complicated matters of discussion. It was the intention of the employers to submit a considered statement on the subject of output or production. They have found it impossible to complete a statement in the time at their disposal, but are prepared to do so at a later date. For the purpose both of carrying on future investigation into matters now affecting the industrial situation and of keeping such matters under continuous review in the future and advising the Government on them it is the unanimous view of the Committee that there should be established some form of permanent National Industrial Council. The recommendations of the Committee in regard to the functions and constitution of the National Industrial Council which they propose, appear below. It is sufficient at the present stage to record the conclusion of the Committee that such a Council should be instituted, and to point out that in their view matters on which this Committee themselves have been unable to make recommendations would appropriately be subjects for consideration by that Council.

The questions to which special attention has been given by this Committee in the time available are as follows:

- (a) Maximum hours.
- (b) Minimum wages.
- (c) Methods of dealing with war advances.
- (d) Recognition of and negotiation between organizations of employers and workpeople.
- (e) Unemployment.
- (f) The institution of a National Industrial Council.

## HOURS

In regard to hours the Committee are unanimous in recommending the principle of a legal maximum of normal hours per week for all employed persons. The number of hours they recommend is forty-eight, but they recognize that this number may be reduced by agreement, and that there are also exceptional cases in which it may be necessary that it should be increased.

They accordingly suggest that legal sanction should be given to trade agreements for the reduction of hours, and that under certain conditions similar sanction might be given to such agreements for the augmentation of hours. They propose that if there be a desire for variation expressed by one party only, a conference should be summoned, whose decision should under ordinary circumstances receive legal sanction.

They have not deemed it possible within the time at their disposal, nor did they feel competent to draw up a list of proposed exemptions, but they consider that an interval should elapse after the passing of the Act in which applications for exemptions should be made and that inquiry should then take place into each case, and the application of the Act should, if necessary, be postponed in any particular case until the completion of such inquiry.

Thus some occupations may be altogether exempted from the Act, while in others the maximum may be varied in either direction by agreement between the parties.

The Committee's detailed recommendations under this head are as follows:

*Maximum to be Specified in Act*

1. That the maximum working hours per week should be forty-eight, and this maximum should be established by Act of Parliament.

*Act to be of General Application*

2. That the Act shall apply generally to all employed persons, but that provision shall be made for exemption from or variation of the hours of the Act to be granted in proper cases, as follows:

*Agreement to Substitute Lower Maximum*

3. That where an agreement has been arrived at between representative organizations of employers and employed in any trade and by such agreement provision is made that the number

of working hours per week for that trade shall be lower than the maximum established under the Act, the Secretary of State or other appropriate Minister shall, if he has no reason to deem it contrary to the public interest, make an Order prescribing the lower number of hours as the maximum for that trade.

*Agreement to Substitute Higher Maximum*

4. That where an agreement has been arrived at between representative organizations of employers and employed in any trade and by such agreement provision is made that the number of working hours per week for that trade shall be higher than the maximum established under the Act, the Secretary of State or other appropriate Minister shall, if he has no reason to deem it contrary to the public interest, make an order prescribing for the trade the number of hours specified in the place of the maximum established under the Act.

*Application by One Party Only for Variation of Maximum*

5. That where in any trade representative organizations of either employers or employed are desirous that the hours established under the Act or an Order should be varied (either by way of decrease or increase), and no joint representation has been made in accordance with the two preceding paragraphs, the Secretary of State or other appropriate Minister shall, on a request in writing of the representative organizations of either the employers or the employed concerned, summon a Conference of representatives of such organizations to consider the advisability of the provisions of the Act being varied in order to meet the requirements of the particular trade in respect of which the request is made, and in the event of a substantial agreement being reached as the result of such conference an Order may be made by the Minister in accordance with the provisions of the two preceding paragraphs.

*Provision for Variation or Exemption by Order*

6. That where in special trades an application is made for variation of the number of hours established by the Act and no agreement is arrived at in the trade, or where an application is made for total or partial exemption from the Act, provision should be made under the Act whereby, after consultation with the National Industrial Council, a competent authority shall

inquire into the application and, where special necessity is proved, the Secretary of State or other appropriate Minister may by order grant the application: provided, that (a) where such variation or exemption is granted the competent authority may attach conditions thereto, and (b) variation under this clause shall be granted only where no agreement has been arrived at under paragraphs 4 to 5.

*Provision Respecting Orders Varying the Number  
of Hours*

7. That Orders substituting in any trade a number of hours beyond that established under the Act shall not be made unless and until the appropriate authority is satisfied either that the rate of wages payable in the trade is fixed on such a basis as to take into account, for payment at an enhanced rate, any extra hours worked, or that provision is made for the payment, as overtime, of all hours worked over forty-eight in accordance with the provisions of paragraph 10 below.

*Provision for Publication of Orders*

8. Before any Order becomes operative it shall be published for a period of (say) one month to allow of objections being made by either side. In default of such objections the Order shall become operative on the date named. If substantial objection is made, the Secretary of State or other appropriate Minister shall not make the Order until he has caused public inquiry to be made.

*Reference to Trade Boards*

9. In any trade for which a Trade Board has been established any proposal to vary the maximum hours shall be brought before the Trade Board for report.

*Overtime*

10. Overtime, especially systematic overtime, should be discouraged, but it is recognized that in certain circumstances overtime is unavoidable. The extent of overtime to be allowed in any trade, and the conditions under which it may be worked, shall be determined under the procedure laid down in the preceding clauses for variation or exemption from the terms of the Act, either (a) by the representatives of the Trade, or (b) in the less organized trades by the Trade Board or, in default of



either, by the Secretary of State or other appropriate Minister, in accordance with general principles laid down by the Minister on the advice of the National Industrial Council.

Overtime, when worked, shall be computed and paid for in accordance with the custom of each particular trade or industry in the several districts concerned, provided that overtime shall in no case be paid for at less than time and a quarter. Subject to agreement and Orders made under the provisions of Clauses 4, 5, and 6, no person shall be required to work more than forty-eight hours without overtime payment.

### *Night Shift and Holiday Work*

11. The Committee are of opinion that in any arrangement as to hours and overtime pay, the question of night shift and Sunday and holiday work should receive special consideration by the National Industrial Council.

### *Date of Act Coming into Operation*

12. That the Act should not come into operation until the expiry of six months from its date, and that in respect to a particular trade, where an inquiry under Clause 6 is pending or is in progress, the appropriate Minister shall have power by Order to suspend the operation of the Act for a further period not exceeding three months.

### WAGES

The Committee have agreed that minimum time-rates of wages should be established by legal enactment, and that they ought to be of universal applicability. The Committee took full cognizance both of the difficulties of determining on particular rates and of dealing with exceptional cases. Having these considerations in mind, they made the following recommendations:

1. Minimum time-rates of wages should be established by legal enactment and should be universally applicable.
2. A Commission should be appointed immediately upon the passing of the Act to report within three months as to what these rates should be, and by what methods and what successive steps they should be brought into operation. The Commission should advise on the means of carrying out the necessary administrative work.

3. In the meantime Trade Boards should be established forthwith in the various less organized trades where they do not already exist.
4. The Commission should review the Trade Boards Acts, especially with the object of facilitating and expediting as far as possible the procedure in fixing and applying minimum rates.
5. The Minister of Labor, on the recommendation of the proposed National Industrial Council, shall appoint the Commission, which shall consist of an equal number of representatives of Employers Associations, and Trade Unions, with a Chairman nominated by the Government.
6. The Commission shall give adequate public notice of its proposed findings and shall hear representatives of any trade that may desire to be heard.
7. Where an agreement is arrived at between representative organizations of Employers and Trade Unions in any trade laying down a minimum rate of wages, the Minister of Labor shall have power, after investigation, to apply such minimum rate, with such modification as he may think fit, to all employers engaged in the trade falling within the scope of the agreement.

NOTE. *The expression "trade" used in the above proposals relating to maximum hours and minimum wages includes industry, branch of trade or industry, occupation, or special class of workers, whether for the whole country or a special area.*

#### METHODS OF DEALING WITH WAR ADVANCES

In regard to the methods of dealing with war advances, the Committee recommend:

1. That the Wages (Temporary Regulation) Act, 1918, should be continued in force for a further period of six months from May 21, 1919.
2. That the Interim Court of Arbitration constituted under that Act should hold an inquiry—sitting as a special court for the purpose—as to the war advances which have been granted and the manner in which they have been granted, whether by way of increase of time rates or piece-work prices, or by way of war bonus or otherwise, and as to the effect of the 12½ per cent. bonus to time-workers, and the 7½ per cent. to piece-workers, and should determine finally how these advances should be dealt with, and in particular whether they should be added to

the time rates or piece-work prices, or should be treated separately as advances given on account of the conditions due to the war.

Where machinery for negotiation exists in any trade or industry no action shall be taken by the Interim Court of Arbitration affecting such a trade or industry unless and until such existing machinery having been put into operation with a view to arriving at a settlement by agreement between the trade unions and employers' organizations concerned fails to arrive at an agreement by the 1st September, 1919.

Where no machinery for negotiation in any trade or industry, trade conferences representing the trade unions and the employers concerned shall be called by the Ministry of Labor within two months from the 4th April, 1919, and no action shall be taken by the Interim Court of Arbitration unless such conferences shall within that time have failed to arrive at an agreement in which case the Court shall consider and determine the difference under the powers conferred by the Wages (Temporary Regulation) Act.

3. That the parties should consider the desirability of instituting procedure for a national periodical review of the wages of the trade of the country as a whole.

#### METHODS OF NEGOTIATION BETWEEN EMPLOYERS AND TRADE UNIONS

On the subject of methods of negotiation between employers and workpeople the Committee recognized the importance of establishing an understanding on the question of "recognition." Their opinion is as follows:

- (a) The basis of negotiation between employers and workpeople should, as is presently the case in the chief industries of the country, be the full and frank acceptance of the employers' organizations on the one hand and trade unions on the other as the recognized organizations to speak and act on behalf of their members.
- (b) The members should accept the jurisdiction of their respective organizations.
- (c) The employers' organizations and the trade unions should enter into negotiations for the purpose of the establishment of machinery or revision, if necessary, of existing machinery, for the avoidance of disputes, and the machinery should provide,

where in any question at issue there are more than one employers' organization or trade union representing the same class of employers or workpeople, a representative method of negotiation, so that settlements arrived at will cover all parties concerned. The machinery should also contain provisions for the protection of the employers' interests where members of trade unions of workpeople are engaged in positions of trust or confidentially, provided the right of such employees to join or remain members of any trade union is not thereby affected.

#### UNEMPLOYMENT

The Committee feel that a satisfactory investigation of the problem of unemployment would involve a far-reaching inquiry and in the limited time at their disposal they have not felt able to do more than indicate briefly some of the steps which might be taken to minimize or alleviate unemployment.

##### *A. Prevention of Unemployment*

1. *Organized Short Time.* It is already the practice in a large number of trades to meet periods of depression by systematic short-time working. The Committee think that this method of avoiding displacement of labor and the consequent risk and inconvenience to the workpeople concerned has considerable value. In this connection they suggest that the machinery of the Joint Industrial Councils or other joint representative bodies in each industry affords a convenient method of controlling and regulating short-time working as a means of preventing unemployment.

Regard should be had at the same time to paragraph 8 below.

2. *Overtime.* During periods of depression in an industry overtime should only be worked in special cases which should be determined in accordance with rules laid down in the case of each industry by its Industrial Council or other joint representative body.

3. *Stabilizing Employment.* In order to provide against the fluctuating demand for labor, the Committee think that the Government should undertake the definite duty of stimulating the demand for labor in bad times by postponing contracts of a non-urgent character until it is necessary to promote a demand for labor owing to falling trade. For this purpose, in allocating Government orders, consideration should, of course, be given to the circumstances of the industry concerned. The Committee are of opinion that much more effective action could be taken if all



orders for particular classes of commodities were dealt with by one Government Department. It would further be an advantage in order that the policy which they have indicated should be carried out, that all Government contracting should be supervised by one authority. Local authorities should be urged to adopt a similar policy with regard to work under their control.

4. *Housing.* In order to meet the present crisis the Committee recommend that the Government should without delay proceed with a comprehensive housing program, in order to meet the acknowledged shortage of houses. By this means employment would be secured primarily in the building and furnishing trades, and indirectly in all other trades. The Committee urge that where local authorities fail to utilize their powers to provide suitable housing accommodation, the Local Government Board should take the necessary steps for the erection of suitable houses in the area of the authority, and under special powers compel, if necessary, local authorities to act in accordance with the housing needs of the district.

5. *State Development of Industry.* The demand for labor could also be increased by State development of new industries, such as afforestation, reclamation of waste lands, development of inland waterways, and in agricultural districts the development of light railways or road transport. These are some of the measures which, in the opinion of the Committee, might be adopted as a means of permanently increasing the demand for labor.

6. *Underconsumption and Higher Production.* While the Committee recognize that these questions have a most important bearing on the problem of unemployment, they are agreed that their importance is such as to demand that far closer consideration should be given to them than can be given by this Committee, and it has already been indicated in an early paragraph of this Report that this is a matter which might appropriately be the subject of consideration by the National Industrial Council.

7. *Efficiency of Industrial Councils.* The Committee feel that, in regard to unemployment, as well as for other purposes, the institution of industrial councils or other similar joint representative bodies will develop a sense of common responsibility among employers and employed, and that it will provide machinery through which the trade, acting as a whole, can in many ways minimize or prevent unemployment. In particular such councils

would be in a position to collect information and make necessary adjustments in an organized way to meet the ebb and flow of trade.

### *B. Maintenance of Unemployed Workpeople*

8. The Committee are unanimous in their view that the normal provision for maintenance during unemployment should be more adequate and of wider application than is provided by the National Insurance (Unemployment) Acts. They think, moreover, that whatever may be the basis of the scheme ultimately adopted, it should include provisions for under-employment as well as for unemployment.

9. *Education and Training.* Whether provision for unemployment is made on a contributory or non-contributory basis, the Committee think that it is very desirable that the scheme should include provisions for enabling the workers while unemployed and in receipt of unemployment benefit, to get access, without payment of fees, to opportunities for continuing their education and improving their qualifications. This is specially desirable in the case of young persons, that whenever unemployed, they should be required to continue their education at centers where such facilities are provided by the Local Education Authority.

10. *Domestic Employment for Married Women and Widows.* The effect on the labor market of the employment of married women and widows, particularly those who have young children, was brought forward, but owing to the fact that the Committee had no official information at their disposal they felt they were unable to express an opinion without having full particulars of the circumstances and conditions under which the employment of mothers is carried on. The Committee feel that the subject is so important that a special inquiry should be immediately instituted to investigate the whole matter, and thereafter submit a report.

11. *Limitation of Child Labor.* The Committee are of opinion that child labor is bad in principle, and in practice tends to decrease the chances of adult employment. For these reasons, without going into details, the Committee think that the age at which a child should enter employment should be raised beyond the present limit.

12. *Sickness Benefit and Old-Age Pensions.* The opinion of the Committee is that the amount of sickness and infirmity benefits

should be examined with a view to more generous provisions being made.

In regard to Old-Age Pensions, they consider that the age of qualification should be reduced, that more liberal allowance should be paid, and that the disqualification in respect of income should be modified.

The Committee feel that these questions require immediate consideration, and they urge the necessity of appointing a Committee to investigate them and report.

#### NATIONAL INDUSTRIAL COUNCIL

As already indicated in this report, the Committee are impressed with the importance of establishing without delay some form of permanent representative National Industrial Council.

The considered views of the Committee are as follows:

#### PREAMBLE

A National Industrial Council should not supersede any of the existing agencies for dealing with industrial questions. Its object would be to supplement and coördinate the existing sectional machinery by bringing together the knowledge and experience of all sections and focusing them upon the problems that affect industrial relations as a whole. Its functions, therefore, would be advisory.

Such a Council would have to be large in order to give due representation to all the industrial interests concerned; at the same time, it should be as small as is consistent with an adequate representative basis. Since, in any case, it would be too large for the transaction of detailed business, a Standing Committee, large enough to insure that it will not be unrepresentative, will be needed. The Council must be elected, not nominated, otherwise its authority will not be adequate to the proper discharge of its functions. The method of election must be determined by each side for itself, subject to two conditions—first, that the members must be representative of organizations, not of individual employers or workpeople; and, second, that the organizations concerned adopt such a method of election or appointment that their nominees can be regarded as fully representative.

In order that the Council may have the necessary independent status and authority if it is to promote industrial peace, the

Government should recognize it as the official consultative authority to the Government upon industrial relations, and should make it the nominal channel through which the opinion and experience of industry will be sought on all questions with which industry as a whole is concerned.

In addition to advising the Government the Council should, when it thought fit, issue statements on industrial questions or disputes for the guidance of public opinion.

#### OBJECTS

To ensure the largest possible measure of joint action between the representative organizations of employers and workpeople, and to be the normal channel through which the opinion and experience of industry will be sought by the Government on all questions affecting industry as a whole.

It will be open to the Council to take any action that falls within the scope of its general definition. Among its more specific objects will be:

- (a) The consideration of general questions affecting industrial relations.
- (b) The consideration of measures for joint or several action to anticipate and avoid threatened disputes.
- (c) The consideration of actual disputes involving general questions.
- (d) The consideration of legislative proposals affecting industrial relations.
- (e) To advise the Government on industrial questions and on the general industrial situation.
- (f) To issue statements for the guidance of public opinion on industrial issues.

#### CONSTITUTION

##### *I. The Council*

1. The Council shall consist of four hundred members fully representative of and duly accredited by the employers' organizations and the trade unions, to be elected as to one-half by the employers' organizations and as to one-half by the trade unions.

2. Subject to the conditions stated in Clause 1, the method of election and allocation of representatives shall be determined by each side for itself. The scheme proposed by the trade union



members of the Committee for the election of trade union representatives is shown in Appendix B to this report.

3. Members of the Council shall retire annually, and shall be eligible for re-election by the organizations which they represent. Casual vacancies may be filled by the side in which the vacancy occurs, any member so appointed to sit until the end of the current year.

4. The Council shall meet at least twice a year, and in addition as often as the Standing Committee hereafter referred to deem to be necessary.

5. The Minister of Labor for the time being shall be President of the Council and shall, when possible, preside at its meetings. There shall be three Vice-Presidents, one appointed by the Government to be Chairman of the Standing Committee hereafter referred to, one elected by and from the employers' representatives on the Council, one elected by and from the trade unions' representatives. In the absence of the President, the Chairman of the Standing Committee shall preside, in his absence one of the other Vice-Presidents.

The Chairman of the Committee shall be a whole-time officer, and shall have associated with him two secretaries, one appointed by the employers' representatives on the Council, one appointed by the trade unions' representatives.

6. *Voting.* The two sides of the Council shall vote separately and no resolution shall be declared carried unless approved by a majority of those present on each side. Each side shall determine for itself the method of voting.

7. *Finance.* The expenses of the Council, subject to sanctions by the Treasury, shall be borne by the Government.

8. The Council shall be empowered to make Standing Orders for the conduct of its business.

## *II. The Standing Committee*

1. There shall be a Standing Committee of the Council, consisting of twenty-five members elected by and from the employers' representatives of the Council, and twenty-five members elected by and from the trade union representatives.

2. The method of election of members shall be determined by each side of the Council for itself. The scheme proposed by the trade union members of the Committee for the election of trade union representatives is shown in Appendix B to this report.

3. The Standing Committee shall be empowered to take such action as it deems to be necessary to carry out the objects of the Council. It shall consider any questions referred to it by the Council or the Government, and shall report to the Council its decisions.

4. The Standing Committee shall be empowered to appoint an Emergency Committee and such Sub-Committees as may be necessary.

5. The Standing Committee shall be empowered to co-opt representatives of any trade not directly represented upon it for the consideration of any question affecting that trade.

6. The Standing Committee shall meet as often as may be necessary, and at least once a month.

7. The Government shall appoint a Chairman to the Standing Committee, who shall preside at its meetings, but shall have no vote. There shall be two vice-chairmen, one elected by and from the employers' representatives on the Committee, and one by and from the trade union representatives. In the absence of the chairman, the vice-chairman shall preside in turn.

8. The Standing Committee, with the consent of the Treasury, shall be empowered to appoint such secretaries and other officers as may be necessary for the conduct of its business.

9. The Standing Committee shall be empowered to make Standing Orders for the conduct of its business.

10. *Finance.* The expenses of the Standing Committee shall, subject to sanction by the Treasury, be born by the Government.

If any question arises as to the meaning or intention of this report, it should be referred for consideration to the National Industrial Council.

There has been apparent throughout the proceedings an earnest anxiety on the part of the representatives both of employers and employed to approach the subjects of their discussion in a spirit of mutual accommodation so as to arrive at a satisfactory settlement of outstanding difficulties. The Committee confidently believe that if effect is given to the recommendations now made, and if the same spirit that has characterized the deliberations of the Committee actuates the future consideration of other difficulties that exist or may arise, much will have been done to promote that spirit of mutual confidence which is a first essential to the effective and successful conduct of industry in the interests of employers and employed and the nation generally.

In conclusion the Committee desire to say that they welcome the steps now being taken in the direction of international regulation of labor conditions, as they believe that a satisfactory adjustment of labor conditions on an international basis will have a beneficial effect on industrial problems in this country.

The Committee desire to express their appreciation of the valuable services rendered by the following gentlemen:

Mr. C. S. HURST, Ministry of Labor

*Secretary to Joint Committee*

Mr. C. B. HAWKINS, Ministry of Labor

Mr. HENRY CLAY, Ministry of Labor

Mr. G. T. REID, Trade Boards

*Secretaries to Sub-Committees*

Mr. J. MCKIE BRYCE

Mr. A. MACFARLANE

Mr. F. H. PRYCE

Mr. F. D. LAMB

*Secretaries to Employers' Representatives*

Mr. G. D. H. COLE

Mr. W. HENDERSON

Mr. F. BRAMLEY

*Secretaries to Trade Union Representatives*

(Signed)

T. MUNRO, *Chairman*

ALLAN M. SMITH,

*Chairman of Employers' Representatives*

ARTHUR HENDERSON,

*Chairman of Trade Union Representatives*

C. S. HURST, *Secretary*





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MIROSLAV SICHINSKY
- III. TREATY SIGNED BY POLAND AND THE  
ALLIED AND ASSOCIATED POWERS



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## NORTHERN EPIRUS AND THE PRINCIPLE OF NATIONALITY

By N. J. CASSAVETES

Director of the Pan-Epirotic Union in America

The importance of the territorial problems which have confronted the Conference at Paris can be measured neither by the extent of territory, nor by the numbers of the population involved. The question of Fiume has well proved the truth of this statement. Northern Epirus is one of those small territories whose strategic position makes it a great problem. The average American knows very little about Northern Epirus. It is well to state this problem, which, like Fiume, may prove to be one fraught with many dangerous possibilities.

Northern Epirus is inhabited by 200,000 inhabitants, who are of two religions—Christian and Mussulman—and of two nationalities—Greek and Albanian. The Christians number 120,000, and the Mussulmans nearly 80,000. Between the Christians and the Mussulmans there exists a traditional hatred.

The Moslems had, under the Turkish régime, occupied the land and had reduced the Christian population to slavery. The Mohammedans looked to Turkey as their own country, while the Christians looked to Greece for deliverance. Since 1453, the Northern Epirotes have made twenty-one revolutions

against the Turks, and their twenty-second was recorded in 1914 against Albania.

By the Congress of Berlin (1878), Northern Epirus was given to Greece. But Turkey managed to evade giving up the Province.

In 1908, on the advent of the Young Turks, the late Ismael Kemal Bey, organizer of the Albanian Provisional Government at Valona in 1913, asked the assistance of Greece against Turkey. To a question put by the Greek Premier, Theotokis, as to what would be the southern limits of the Albanian State, Kemal Bey replied that they should run north of a line from Valona to Lake Ochrida.

In 1913, the Greek Army occupied Northern Epirus and was welcomed as liberator by the inhabitants. In the same year, the Province was awarded by the Ambassadors at London to the new State of Albania.

In 1914, the Christians revolted and, after a nine months' successful struggle, secured complete autonomy. In the fall of 1914, the country was reoccupied by the Greek troops at the order of the Allied Powers.

In 1916, the Italians entered some districts, and the French occupied the districts of Korytsa and Kolonia. General Bandini promised the autonomous state complete freedom of religion and education and respect for the autonomous status of the Province.

In June, 1917, General Giacinto Ferrero issued a proclamation which ended the autonomy of Northern Epirus, by declaring it a province of Albania, and Albania an Italian protectorate.

In 1918, the Greek schools and churches were closed. Italy refused to recognize the Protocol of Corfu which gave autonomy to Northern Epirus, and



insisted upon holding the Albanian port of Valona permanently. Against the wishes of the inhabitants, she occupies the Province even now, and refuses to reopen the Greek schools or to respect the autonomous state.

The issue in the problem of Northern Epirus is this: Should the Province be included in Greece, or should it go to the new state of Albania?

In trying to answer this question, many factors must be taken into consideration. In the first place, the nationality of the majority of the inhabitants must be determined. Then, it is necessary to consider the economic, cultural, and strategic questions which may be of such paramount importance as to be of even more weight than the superiority of numbers.

We shall take up the question of numbers first. We have already mentioned that the inhabitants of Northern Epirus are divided into two hostile camps—the Mohammedan Albanian Epirotes, and the Orthodox Greek Epirotes. Between the two, competent observers are agreed that there is no clear distinction of race. Amongst the Mohammedans there may be more Albanian blood, amongst the Christians more of the indigenous Epirote blood, which it may be said, is now very difficult to distinguish from the Greek race. But, on the whole, the inhabitants are much alike physically, and their disagreements are not due to differences of descent. Language affords no clear dividing line. The Christians all speak Greek, and nearly all the Mohammedans speak Albanian; but very many of the Christians speak Albanian too; and many of the Mohammedans speak Greek. Wherever the two camps come into close contact, the population is in fact bilingual; and an observer of Albanian sympathies who relied solely on language as a guide

might pass through the country-side and find nothing but Albanians, where an observer of Greek sympathies, proceeding in the same manner, might find nothing but Greeks. It is not race or language that separates the two camps, but religion. The inhabitants are divided into 120,000 Christians and 80,000 Mussulmans.

Many Albanian sympathizers feel that religion should not be taken so seriously in deciding the future disposition of peoples. In the Orient, however, religion is virtually nationality, a truth quite unintelligible to Western peoples. Bulgars in Macedonia, who have lost their Christian religion and have adopted Mohammedanism, are no longer Bulgars, but Turks. Greeks in Epirus, who, under Ali Pasha, were forced to adopt Mohammedanism, are fanatic Turks in sentiment. The same is true of the Greek Cretans who adopted Mohammedanism. After all, what is nationality, if not the will to live with this or that political organization? Take the Republic of Switzerland. Here we have people of various races, and of various languages living together and constituting one nationality by virtue of their will to live together and work together. An even more concrete case of the real significance of nationality may be found in America. Here we have men of every race, speaking various languages, but united in a will to live together and to coöperate under the same political organization.

In deciding, therefore, upon the nationality of the Northern Epirotes, we should not consult history. For, in the words of Lord Cromer, "when a cause invokes historical sentiment in its behalf, that cause is bankrupt of arguments reasonably applicable to the actual situation." We should look only to the will

of the Northern Epirotes. We should ask them whether they wish to form part of the Greek family or of the Albanian family. And if the majority wishes to belong to Albania, Greece should renounce her claims to the Province.

We have now brought the issue to this: Do the Northern Epirotes want Greece, or do they want Albania?

How are we to know the will of the majority? There are many ways. There is, first of all, the direct vote of the people.

In 1913, when the Ambassadors of the Powers at London were deciding upon the question of including Northern Epirus in Albania, the Greek Government asked for a plebiscite. It proposed that an international commission be appointed to determine the will of the inhabitants. Italy and Austria objected. Instead, a Commission was appointed to go to Epirus and report on the nationality of the Epirotes only on the basis of the language spoken at home. The Commission came to a complete disagreement from the very outset. It had been sent to determine the nationality of a bilingual people on the basis of language only! "It would have been hardly less sensible to have divided the inhabitants into those who had a left leg and those who had a right leg."<sup>1</sup> By firmly closing their eyes to all right legs, in other words, by ignoring the Greek speech of all bilinguals, the Commission succeeded in arriving at the conclusion that the country should belong to Albania.

Colonel Murray, of the British Army, who visited Epirus in 1914, writes in connection with the Commission's work:

<sup>1</sup> E. Hilton Young, *Contemporary Review*, May, 1919.

"There is not a great deal to be said about these gentlemen or their work, and if there were, it would be only wasting your time to talk about it. For they began to disagree among themselves almost from the first day they met together at Monastir, and when they referred their differences to their governments, the reference led to so much discussion that Sir Edward Grey determined to end matters by proposing a frontier of his own, which runs in a northeasterly direction from Cape Stylos, to where it meets the Serbian frontier at Lake Ochrida. This frontier, as proposed by England, has been accepted by the Powers, and has now been delimited in detail by the Commissioners, who completed their work on the 18th of December last, and have presumably returned to their respective countries. Ladies and gentlemen, I have no desire to hold up the Commissioners to ridicule, for it was not their fault, but the fault of the great Powers of Europe, that they were put into a ridiculous position, which only came to an end when Sir Edward Grey took matters out of their hands into his own. Their instructions were to go over the country lying between the frontier claimed by Greece, and the frontier proposed by Italy (which is very nearly identical with that now approved by the Powers) and find out whether the inhabitants were Greeks or Albanians. But they were forbidden to receive any addresses or deputations, or make any inquiries, except about the language spoken by the people. And, as everyone knows what language the Epirotes speak—an Albanian *patois* at home, and the Greek language outside the home—the Commissioners' inquiries were useless, and had no determining effect one way or the other in regard to the nationality of the people. What



added to the absurdity of the position was that only two members of the Commission could speak either Greek or Albanian, and one of these, Herr Bilinski, was too ill to leave his house, while the other, Captain Castoldi, made so many mistakes in translating answers that the Commissioners lost all faith in him as interpreter, and decided to ask for further instructions from their Governments, with the result I have already mentioned."

As Colonel Murray put it, Sir Edward Grey, under pressure<sup>2</sup> from Italy and Austria, drew an arbitrary line through the heart of the Province and split it into two parts, one going to Greece, and the other to Albania.

On orders from London, the Greek troops evacuated Northern Epirus. The inhabitants immediately rose, offered armed resistance to the Albanians, and declared Northern Epirus an autonomous state in sympathy with Greece.

After some months of fighting with the Albanians, a meeting was arranged at Corfu, between the representatives of the autonomous government and those of Albania and of the Great Powers. Here, after protracted discussions, the representatives of the Albanians and of the Powers conceded to the Epirotes the right to be denominated *Epirotes*, and not *Albanians*.

On May 17, 1914, the Protocol of Corfu was signed by all the representatives, and Northern Epirus was

<sup>2</sup> Prince Lichnowsky, then Ambassador of Germany, at London, revealed last year that the Albanian frontiers were drawn not in accordance with the principle of nationality, but according to the wishes of the Triple Alliance; he adduces as a proof of the conciliatory spirit which animated Sir Edward Grey the fact that the latter yielded on the important Epirote problem.

recognized autonomous, with the Greek language as the official language in school, state, and church.

After the European War broke out, the British Minister at Athens asked Mr. Venizelos to assume the mandate over the province. With the approval of the Entente Powers, as well as of Italy, Greece reoccupied it. The Northern Epirotes were very happy.

In the same year, an unhampered election was held, and the representatives were returned to the Greek Parliament. Like the Cretan Deputies in 1910, they were not admitted into the Greek Chamber, because Greece had been given power of mandate only, not of incorporation of the province in the kingdom of Greece. Whereupon, the Northern Epirotes established by themselves, through the medium of delegates sitting at Premeti, electoral regulations, on the basis of which Deputies were elected who claimed the union of their country with Greece, and asked to be allowed to sit in the Greek Chamber at Athens. The aspirations for union with Greece were thus manifested in complete conformity with the most generally recognized principles: an open election, a method of plebiscite fulfilling all the conditions for the unhampered election by a people of the government of its choice.

Then came the Italian occupation in 1916. Italy apologized for this unwarranted act, claiming as a justification military necessities. Unfortunately, while those necessities have disappeared, Italy shows no desire to evacuate the province and to abate the unworthy processes of violent denationalization of the Greek Epirotes.

It appears from the facts stated that the majority of the Northern Epirotes, on every occasion on which

they have been left free to follow their own devices, have immediately, and with a spontaneous and irresistible motion, swung right over towards Greece.

It will, perhaps, help my readers to form some impression of the culture and civilization of the Christian Epirotes if I give a statistical table of their schools in the districts of Korytsa and Kolonia, the northernmost districts of Northern Epirus, and the ones most bitterly contested by the Albanian nationalities as centers of Albanian culture.

### SCHOOL STATISTICS <sup>3</sup>

<i>Districts</i>	<i>Boys</i>		<i>Girls</i>		<i>Total</i>	
	<i>Schools</i>	<i>Scholars</i>	<i>Schools</i>	<i>Scholars</i>	<i>Schools</i>	<i>and Scholars</i>
Korytsa	53	5,415	19	2,930	72	8,345
Kolonia	18	1,485	5	565	23	2,050
	—	—	—	—	—	—
	71	6,900	24	3,495	95	10,395

The Albanians have in the entire province of Northern Epirus only one school in the city of Korytsa, with an attendance varying from one to two hundred scholars.

The population of 70,000 in the city and district of that name is about equally divided between Orthodox and Mohammedans. The Albanian language is spoken generally, but there is a strong Hellenic spirit, especially in the city. Bangas, one of the most munificent benefactors of the Hellenic revival, came from Korytsa; and the citizens support at ordinary times forty-four Greek schools, with about 3,500

<sup>3</sup> Amadori Virgili, *La Questione Rumeliota*, Rome, 1908.

scholars. During the war the district has been occupied by French forces from Monastir. When Greece was in disgrace because of the performances of the traitor Constantine, our French Allies, with that naïveté which they sometimes display in their dealings with alien peoples, established a "Republic of Korytsa" under Albanian leaders antagonistic to the Greeks. The result was unfortunate. The Albanian leaders were found to be Austrian spies, and were shot.

On the principles of self-determination, Korytsa is a hard border case. With the population so evenly divided between Orthodox and Mohammedans, it would be difficult to arrive at a just decision by counting heads. If, however, we are to consider not only the number of heads but what is inside them, the case for union with Greece becomes clearer. Here, as elsewhere in Northern Epirus, the progressive and civilizing elements are those that desire a Greek future, and there can be little doubt that the town will be better off as part of an ordered and established state than as part of one that is likely for many years to be unsettled and turbulent.

There is, however, another consideration affecting Korytsa which—although we may admit that it has no relation to the principle of self-determination—is nevertheless of too much practical importance to Epirus as a whole to be entirely disregarded. The Pindus range cuts Southern (Greek) Epirus completely off from Southern (Greek) Macedonia. It is not until one has traveled as far north as Korytsa that one finds a way through by the passes of the Devoli. To include Korytsa in Albania would be to cut off Northeastern Greece from all direct communication with Northwestern Greece. A traveler from Janina to Florina,



for instance, would then have to go round by sea, unless he were prepared to ride over the passes of Metsovo, and that, surely, a route that no one would care to follow if he could go any other way. There is no road, the wolves are unfriendly, and the hotels are not good. Inhabitants of a level land like ours can hardly realize how vitally such a matter as this may affect the inhabitants of a mountainous land. For them, access to a pass may make all the difference between economic progress and decay. The consideration must be faced that to cut Greece off from the Korytsa gap is to inflict a grave material injury upon the whole of her northern territories. That should, of course, not be allowed to weigh in the balance were the national sympathies of Korytsa quite clear. But since consideration of her sympathies leaves the balance trembling, perhaps the practical consideration may not unreasonably be thrown in to tip the scale.

The Northern Epirotes, it would seem, gave a very clear Greek answer to their question in the revolution of 1914; and it is the answer that one would expect from a consideration of their interests, characteristics and traditions. An Albanian answer would do Albania no good and Greece much harm. There seems in this matter to be a fortunate agreement between concrete practical interests and abstract national ideals.

## THE PROBLEM OF EASTERN GALICIA

By MIROSLAV SICHINSKY

Last November 1, the news of an outbreak of hostilities between the Poles and the Ukrainians was published in the American press. In their dispute over the territory of Eastern Galicia, which the Poles claimed on historic grounds and the Ukrainians because of the preponderance of their population in the district, the two new republics had finally come to blows. At that time the Ukrainian immigrants in America proposed a joint appeal of Poles and Ukrainians in this country to be dispatched to their fellow countrymen in Europe, urging them to settle the dispute by plebiscite. Unfortunately, the Poles—particularly Premier Paderewski, who was here then—were hostile to such action and bloodshed continued. After more than six months of fighting, during which parts of the cities of Lemberg and Przemyśl have been all but demolished and hundreds of lives lost, the problem of Eastern Galicia is not nearer solution than it was in November, 1918.

Just what the province of Galicia is, historically and politically, is very briefly and clearly stated in a French conception, published in *Annales des Sciences Politiques*, 1903-1904:

"The Ukrainians, or Little Russians, have long occupied the Eastern part of Galicia, Volhynia, Ukraine and a part of Lithuania. Overrun at times

by several states, ravaged by the Tartars, an independent kingdom in the fourteenth century, these provinces finally succumbed to Polish rule. In 1648 the Hetman of the Ukrainian Cossacks, Khmelnitsky, finally succeeded in shaking off this yoke. But the Ukrainians gained nothing but a change of masters. For in 1654, Khmelnitsky was forced to make a treaty with the Czar, which virtually established the sovereignty of Moscow in Ukraine, Podolia, and Volhynia, while the Ukrainians of Galicia were annexed to Poland. They were massed with these provinces under the rule of Maria Theresa in 1772 and later, under Joseph II of Austria.

"An Austrian province, but a Slavic country, Galicia is governed by an aristocracy of the Polish race, which is true to the memories of the great disrupted Fatherland. To a great extent, this province is inhabited by the Ukrainians or Little Russians, of different origin from the Poles, of other traditions and of a lower social scale.

"By all possible means the Polish nobility tries hard to transform the province into a stronghold of the Yagello idea. The Poles still dream of restoring their ancient kingdom, extending from the Baltic to the Black Sea, encircling, together with the Polish provinces proper, the eastern part of Prussia and the Ukraine as well."

The district is a large one, bounded on the southwest by the Carpathian Mountains, on the northwest, by the River San, and on the east and north, by the frontier of the former Russian Empire. It includes the cities of Lemberg and Przemysl, and a region of oil-fields just north of the Carpathian Mountains which is said to be the richest in all Europe, outside of Rumania.

Before the War, Eastern Galicia was a part of the Austro-Hungarian Empire, which administered the government of the district through a ruling class of Polish officials, as stated in the sketch from the *Annales des Sciences Politiques*. The entire province was inhabited to a great extent by Ukrainians, and in the Eastern portion which the Ukrainians claim their population was greatly preponderant. But the country had been so long under the control of the ruling Polish caste that the Poles continued to think of themselves as its natural governors and proprietors.

In the sixties of the last century, a distinct compromise was made between the Hapsburgs and the Polish nobility, whereby the administration of the region was turned over to the latter. In the nineties, with the growth of democracy in Europe, the Ukrainian national movement, which was organized and financed for the most part by Ukrainians in Kiev, became so strong that the Ukrainians in Galicia were accorded political rights equal with the Poles to keep them from becoming too restive. During the war, the Austrian Government won the allegiance of some Ukrainian politicians in Galicia with promises of certain political reforms, playing all the while on the Ukrainian dread of conquest by the Czardom. Propagandists of Polish imperialism have widely advertised the folly of this group of Ukrainians, who were by no means representative of the Ukrainian political tradition of federalism and democracy—although it is glaringly evident that the Poles in Galicia had held their position for years only because of their close alliance with the Hapsburg dynasty. Never in the history of half a century of Polish domination had one vote been cast in the Austrian parliament against



Austrian measures, unless one should count the scattering of votes cast by Polish and Jewish Socialists. And all this time the Ukrainian delegates, almost to a man, sat on the benches of the opposition.

The Polish claims to Eastern Galicia are of two sorts; what we may call real claims and propagandist claims, according as they are founded on political facts or fancies. Of the real claims, one of the most frequently advanced is the claim of historical ownership. The Polish Information Bureau is on record as having said that the question of the ownership of Eastern Galicia cannot be settled by plebiscite because the district is historically Polish, and the vast majority of Polish political writers say that their title is sound because, previous to the Austrian suzerainty, the region was part of their national domain—from its conquest by the Poles in the fourteenth century to the partition of Poland in 1772.

To reinforce the claim of historical ownership they advance the argument of present land ownership. Thirty-five per cent. of the land in Eastern Galicia is owned by the Polish aristocracy, who, naturally enough, require a Polish administration to support their large landed interests. It would be a very severe blow to its class pride and to the material interests of Polish landlordism, if Eastern Galicia were to be awarded to the Ukrainians, a nation of small freeholders.

Furthermore, in this long history of Polish domination, the Poles say that they have greatly developed the country. Administration has always been in their hands, and they assert that they are entitled to the fruits of their administrative effort. Especially during the last half-century they claim to have been wise governors and benefactors.

In reply to the statement of fact, that the Ukrainian population in Eastern Galicia is greatly preponderant, Polish patriots say that the preponderance is of rural population only, but that the important urban centers are overwhelmingly Polish.

These are the arguments that might appear to statesmen of the old school to have some basis in political reality. The rest of the Polish claims, which we have classed as propagandist claims, are interesting proofs of insincerity. A common one of these is based on the allegation that the Ukrainians are not a separate branch of the Slavonic race, that they are merely Poles, who happen to speak a different language! Furthermore, the more reckless propagandist goes on to say that this element in Galicia which speaks the Ukrainian language does not want the district where they are preponderant to belong to the Ukraine.

So much for the Polish side of the question, its arguments real and merely fabricated. The Ukrainian claims are based on the undisputed preponderance of their population and their manifest and strongly contested right to self-government.

According to official statistics, compiled by Polish officials for the year 1900, and based on language, the population of *all* Galicia was divided into four groups, as follows:

Poles	3,982,033
Ukrainians	3,080,543
Germans	212,327
Others	9,800

In this census the Jews are listed *en masse* as Poles. The religious classification shows that there were at that time in Galicia 3,345,780 Roman Catholics,

3,108,972 Greek Catholics and 811,183 Jews. At least a quarter of a million of the Roman Catholics were Ukrainians, and the Greek Catholics, almost without exception, of the same race. If the 811,183 Jews are deducted from the total number of Poles, the Polish element is diminished to 3,171,850 for *all* Galicia, or about one hundred thousand more than the total number of Ukrainians.

This census shows, therefore, that there are about as many Ukrainians as Poles in the entire province of Galicia. The Ukrainians, however, claim only the forty-eight eastern districts where their population is greatly preponderant. Official statistics show that the percentage of Ukrainian population in these forty-eight districts stood as follows:

In 10 districts	75% to 90%
In 12 districts	67% to 75%
In 16 districts	60% to 66%
In 8 districts	50% to 60%
In 2 districts	41% to 50%

In these districts, of course, the Jews are counted as Poles. If they were not, the Poles would number less than twenty-five per cent. of the inhabitants.

Every published ethnographic map of Eastern Europe shows that Eastern Galicia is predominantly Ukrainian. Neither in the larger maps, published by various academies of science, nor in the smaller ones to be found in geographic compendiums and frequently reproduced in the daily press, is the Polish element indicated.

As for the Polish claim that Eastern Galicia has been benefited by Polish rule, and that the Poles are entitled to it as a prize for efficient governing, evidence

is quite overwhelmingly to the contrary. The testimony of neutral observers is amazing. Geoffrey Drage, M. P., author of Vol. XI (the sections on Russia), of the Cambridge Modern History, says:

"In Galicia . . . the nobles and peasants are on the worst possible terms with one another. The former are oppressive and selfish; the latter sunk in physical and moral degradation, a state of which they are conscious, but which they attribute to their lords. . . . The Ruthenians (Ukrainians) are characterized by natural capacity and manliness in spite of backwardness and poverty, in their case largely due to the minute subdivision of their property."

In a speech delivered by Ignatz Dashynski, M. P., in the Austrian Parliament on October 28, 1902, in which an interpellation is made to the government about a large strike which occurred in that year, the Polish orator portrayed a sorry state of affairs. With figures taken from conservative Polish sources, he proved that the peasants had been pauperized; that they could hardly pay the smallest land tax; that some of their holdings hardly amounted to  $1\frac{1}{2}$  acres. Dashynski also showed that many of the peasants did not eat bread, at least during one-half of the year, and that during the other half they could afford but little of it, and that of the poorest sort.

Records of the Austrian Parliament contain many startling facts about the oppression of the Ukrainian farmer in Eastern Galicia by Polish officialdom. He is subject not only to economic exploitation, but his hard-won right of suffrage is rendered virtually impotent by wide-spread corruption. To illustrate the shame of these elections, we can quote a deputy from the Przemyśl district in the Austrian Parliament,



Lower House, May 20, 1908, who said in the course of his speech that, "History cannot show the remotest analogy to it. The elections are only a shameless, brutal game played at the expense of a defenseless people by the nobility; a game that can be compared with Spanish bull-fights."

Until the year 1908, the following were the methods used in Galicia to destroy the influence of the Ukrainian vote: first of all, the list of voters was falsified. In districts where the administrators knew that their influence would extend to a large number of voters, the list would contain the names of those, who, under the law, were not entitled to vote. On the other hand, where this contingency did not exist, the list of voters would contain a number of voters substantially smaller than the number allowed by law. Thus in many localities thousands of citizens lost their vote.

The voters' lists were not exhibited for public inspection as the law required, and the inhabitants time and again threatened force to procure lists from village secretaries, only to learn that while some of them were not on the lists, others, who were not entitled to vote, were. When, on appeal to the Supreme Administration the lists were protested, the illegal list was sustained. On one occasion an appeal was taken to the Governor, who sent a delegate to correct the list; the correction resulted in retaining on the list the people who had no right to vote, while forty who were entitled to vote were taken off the register.

These abuses—this utter lack of political honor or democratic feeling—extended to the system of education also. The schools and universities in Galicia have always been managed in the interest of the small

feudal class of Poles. In the public schools situated in the cities, controlled by the municipal governments, the matriculation of Ukrainians from village schools was forbidden. This, of course, created a gap between the grammar school and the University which could be bridged only by private study.

The University of Lemberg, established for the Eastern, or almost purely Ukrainian portion of Galicia, was allowed to have only ten chairs with instruction in Ukrainian. They would not have had even this small representation in Lemberg if it had not been for the fact that the universities were under the jurisdiction of the Austrian Parliament, a body composed not only of Poles, but of Czecho-Slovaks and Jugo-Slavs and other races as well.

Professor M. Hrushevsky, head of the history faculty at the University of Lemberg, cannot be quoted as a neutral observer, for he is Ukrainian born. But, as the greatest living authority on the Ukraine and the Ukrainians, and a distinguished scholar of international standing, excerpts from his account of Polish misrule are worth consideration. Of agricultural and industrial 'development' under the Polish régime, he says:

"Ruling without restriction, seizing all the land, which is the wealth of the country, the Polish nobility, who hold even now more than half the cultivated ground, have done nothing—but pillage the natural resources of the country. They have all but exterminated the forests and greatly impoverished the soil; and it is hardly an overstatement to say that they have made a pauper of the peasant. They have introduced none of the progressive methods of agriculture, and, with the exception of distilling, have

inaugurated no new industries. At the present time the country is without any kind of factory or mill industry, the development of which encounters immense difficulties—obstacles put in the way by the feudal classes which fear the democratizing influence of industrial development.”

The long and the short of it is that the history of Polish rule in Galicia is a history of exploitation and revolt of Ukrainians. Since the first great revolt of Ukrainians in 1648, they have never been reconciled to being a part of the Polish political organism. The suppression of their spirit of independence has not tamed the hatred of historic Poland which they have felt from time immemorial. Today there is not a single political group of Ukrainians which will support Polish domination. Such extremes as the Socialist and Church parties unite in condemning and fighting the Polish claims to Eastern Galicia.

The Polish assertion that the new Poland should include Eastern Galicia because Poles own at least thirty-five per cent. of the land is one that does not carry much weight since the downfall of the Hapsburgs. The ownership of this land dates from feudal times, and continues into modern, something very like a state of feudalism. It is so obviously unjust, at the outset, that a landed aristocracy should own and control such a large proportion of the land where another people is preponderant, that there will be few moderns to sympathize with a vested right based on this fact.

With stubborn assurance, unmindful of the new era in which we are living, leaders of Polish political thought persist in refusing to recognize the Ukrainian or Lithuanian national movements. What has been

positive and natural in their own revolt against the domination of Russian Slavs seems to them to be only the result of German intrigue in the case of the Ukrainians and Lithuanians. What were called revolutionary outbreaks in the Polish opposition to Russian rule are called anarchy when similarly occurring in Lithuania or Galicia to the discomfort of the local Polish nobility.

It does not occur to these Poles of the old school to view the loss of Polish minorities in Eastern Galicia as a necessary disadvantage which can be compensated by the acquisition of Ukrainian ethnographic islands in compact Polish territory. Not only are the motives of the Ukrainian renaissance suspected by the Poles—they are unwilling to recognize even the existence of national feeling in the Ukraine, although it has been manifested through centuries of adversity. They are still living in the conception of the absolute superiority of the Polish nation—a self-hypnosis not dissimilar to the state of public opinion in Germany during the war.

It is a great pity that this is the case, but the causes are deeply rooted in Polish history and in the present political fabric of that truly great country. National pride, heightened by centuries of suffering and oppression, is partially responsible for this blindness—and there are the economic causes, too.

In spite of all this—political traditions, nationalist feeling, historic misconceptions, and incongruity of temper—the Ukrainians believe that the age-old Polish-Ukrainian disputes can be settled for all time by the simple expedient of resorting to plebiscite. They have offered time and again to settle the dispute over Galicia in this democratic fashion. Their offers have been either ignored or met with bad faith, as in



the case of the Paris Agreement of March, under which hostilities were to be suspended as a preparation for a plebiscite to be obtained under Entente control. Premier Paderewski was unable at that time to fulfil Poland's pledges that the armistice would be respected.

To quote, in conclusion, from an editorial published in *The Evening Post* of May 22, 1919, "Mere self-interest would dictate to the leaders of Polish nationalism a policy of moderation at a moment when the Peace Conference is engaged in the delimitation of the country's national boundaries. It certainly does not help Poland's case against Germany . . . that doubts should arise concerning Polish policy towards other races. Things have reached a pretty pass if the Supreme Economic Council at Paris is discussing the advisability of withholding food from Poland as a means of enforcing the new Government's pledges regarding the cessation of war with the Ukrainians. . . . The world may have been prepared for an upflare of nationalist zeal in those countries which have won their independence after centuries of oppression; but a nationalism that runs riot is one that cannot be tolerated in the interests of permanent peace in Europe."

TEXT OF THE TREATY SIGNED BY POLAND  
AND THE ALLIED AND ASSOCIATED  
POWERS

Reprinted from *The New York Times*, July 2, 1919

The United States of America, the British Empire, France, Italy, and Japan, the principal allied and associated powers, on the one hand; and Poland, on the other hand:

*Whereas*, The allied and associated powers have, by the success of their arms, restored to the Polish nation the independence of which it had been unjustly deprived; and

*Whereas*, By the proclamation of March 30, 1917, the Government of Russia assented to the re-establishment of an independent Polish State; and

*Whereas*, The Polish State, which now, in fact, exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognized as a sovereign and important State by the principal allied and associated powers; and

*Whereas*, Under the treaty of peace concluded with Germany by the allied and associated powers, a treaty of which Poland is a signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

*Whereas*, Under the terms of the said treaty of peace, the boundaries of Poland not already laid down are to be subsequently determined by the principal allied and associated powers;

The United States of America, the British Empire, France, Italy, and Japan, on the one hand, confirming their recogni-

tion of the Polish State, constituted within the said limits as a sovereign and independent member of the family of nations and being anxious to insure the execution of the provisions of Article 93 of the said treaty of peace with Germany;

Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guaranty to the inhabitants of the territory over which she assumed sovereignty; for this purpose the following representatives of the high contracting parties:

The President of the United States of America; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; and the President of the Polish Republic, after having exchanged their full powers, found in good and due form, have agreed as follows:

## CHAPTER I

*Article 1.* Poland undertakes that the stipulations contained in Articles 2 and 8 of this chapter shall be recognized as fundamental law, and that no law, regulation, or official action shall conflict or interfere with these stipulations, nor shall any law, regulation, or official action prevail over them.

*Article 2.* Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland, without distinction of birth, nationality, language, race, or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion, or belief whose practices are not inconsistent with public order or public morals.

*Article 3.* Poland admits and declares to be Polish nationals *ipso facto* Hungarian or Russian

nationals habitually resident, at the date of the coming into force of the present treaty, in territory which is or may be recognized as forming part of Poland under the treaties with Germany, Austria, Hungary, or Russia, respectively, but subject to any provisions in the said treaties relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over twelve years of age will be entitled under the conditions contained in the said treaties to option for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to option must, except where it is otherwise provided in the treaty of peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

*Article 4.* Poland admits and declares to be Polish nationals, *ipso facto* and without the requirement of any formality, persons of German, Austrian, Hungarian, or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present treaty, these persons may



make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

*Article 5.* Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the treaties concluded or to be concluded by the allied and associated powers with Germany, Austria, Hungary, or Russia, to choose whether or not they will acquire Polish nationality.

*Article 6.* All persons born in Polish territory, who are not born nationals of another State, shall *ipso facto* become Polish nationals.

*Article 7.* All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language, or religion.

Differences of religion, creed, or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for admission to public employments, functions, and honors, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press, or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech

for the use of their language, either orally or in writing, before the courts.

*Article 8.* Polish nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the Polish nationals. In particular, they shall have an equal right to establish, manage, and control at their own expense charitable, religious, and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

*Article 9.* Poland will provide, in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents, adequate facilities for insuring that in the primary schools instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teachings of the Polish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious, or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal, or other budgets, for educational, religious, or charitable purposes.

The provisions of this article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

*Article 10.* Educational committees appointed locally by the Jewish communities of Poland will,

subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.

The provision of Article 9 concerning the use of language in schools shall apply to these schools.

*Article 11.* Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision, however, shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defense, or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

*Article 12.* Poland agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern, and shall be placed under the guaranty of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy, and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Poland further agrees that any difference of opinion as to question of law or fact arising out of these articles, between the Polish Government and any of the principal allied and associated powers, or any other power a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereof demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the covenant.

## CHAPTER II

*Article 13.* Each of the principal allied and associated powers, on the one part, and Poland on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consul Generals, Consuls, Vice-Consuls, and Consular Agents, to reside in the towns and ports of their respective territories.

Consul Generals, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their duties until they have been admitted in the usual



manner by the Government in the territory of which they are stationed.

Consul Generals, Consuls, Vice-Consuls, and Consular Agents shall enjoy all the facilities, privileges, exemptions, and immunities of every kind which are or shall be granted to Consular officers of the most favored nation.

*Article 14.* Pending the establishment of a permanent tariff by the Polish Government, goods originating in the allied and associated States shall not be subject to any higher duties on importation into Poland than the most favorable rates of duty applicable to goods of the same kind under either the German, Austro-Hungarian, or Russian customs tariffs on July 1, 1914.

*Article 15.* Poland undertakes to make no treaty, convention, or arrangement, and to take no other action, which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present treaty.

Poland also undertakes to extend to all the allied and associated States any favors or privileges in customs matters which they may grant during the same period of five years to any State with which, since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the treaty of peace to be concluded with Austria.

*Article 16.* Pending the conclusion of the general agreement referred to above, Poland undertakes to treat on the same footing as national vessels, or ves-

sels of the most favored nation, the vessels of all the allied and associated States which accord similar treatment to Polish vessels.

By way of exception from this provision, the right of Poland or any other allied or associated State to confine her maritime coasting trade to national vessels is expressly reserved.

*Article 17.* Pending the conclusion, under the auspices of the League of Nations, of a general convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit of persons, goods, vessels, carriages, wagons, and mails in transit to or from any allied or associated State over Polish territory, including territorial waters, and to treat them at least as favorably as the persons, goods, vessels, carriages, wagons, and mails respectively of Polish or of any other more favored nationality, origin, importation, or ownership, as regards facilities, charges, restrictions, and all other matters.

All charges imposed in Poland on such traffic in transit shall be reasonable, having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland and tariffs between Poland and any allied or associated power, involving through tickets, or waybills, shall be established at the request of that allied or associated power.

Freedom of transit will extend to postal, telegraphic, and telephonic services.

It is agreed that no allied or associated power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment

is not accorded with respect to the same subject matter.

If within a period of five years from the coming into force of the present treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland shall be at liberty at any time thereafter to give twelve months' notice to the Secretary General of the League of Nations to terminate obligations of this article.

*Article 18.* Pending the conclusion of a general convention on the international régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narew) the régime applicable to international waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.

*Article 19.* Poland undertakes to adhere, within twelve months of the coming into force of the present treaty, to the international conventions specified in Annex I.

Poland undertakes to adhere to any new convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present treaty, to replace any of the international instruments specified in Annex I.

The Polish Government undertakes within twelve months to notify the Secretary-General of the League of Nations whether or not Poland desires to adhere to either or both of the international conventions specified in Annex II.

Until Poland has adhered to the two conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the in-

dustrial, literary and artistic property of nationals of the allied and associated States. In the case of any allied or associated State not adhering to the said conventions, Poland agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bilateral treaty or agreement for that purpose with such allied or associated State.

Pending her adhesion to the other conventions specified in Annex I, Poland will secure to the nationals of the allied and associated powers the advantages to which they would be entitled under the said conventions.

Poland further agrees, on condition of reciprocity, to recognize and protect all rights in any industrial, literary, or artistic property belonging to the nationals of the allied and associated States now in force or which, but for the war, would have been in force in any part of her territories before their transfer to Poland. For such purposes they will accord the extensions of time agreed to in Articles 307 and 308 of the treaty with Germany.

#### ANNEX I.

##### *Telegraphic and Radio Telegraphic Conventions*

International Telegraphic Convention signed at St. Petersburg, July 10-22, 1875.

Regulations and tariffs drawn up by the International Telegraph Conference signed at Lisbon, June 11, 1908.

International Radio-Telegraphic Convention, July 5, 1912.

##### *Railway Conventions*

Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, and September 19, 1906, and the current supplementary provisions made under those conventions.



Agreement on May 15, 1886, regarding the sealing of railway trucks subject to custom inspections, and protocol of May 18, 1907.

Agreement of May 15, 1886, regarding the technical standardization of railways, as modified on May 18, 1907.

### *Sanitary Convention*

Convention of December 3, 1903.

### *Other Conventions*

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the white slave traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International conventions of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

International convention of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the additional protocol signed at Berne on March 20, 1914, for the protection of literary and artistic works.

### ANNEX II.

Agreement of Madrid of April 14, 1891, for the prevention of false indications of origin on goods, revised at Washington in 1911, and agreement of Madrid, of April 14, 1891, for the international registration of trade marks, revised at Washington in 1911.

*Article 20.* All rights and privileges accorded by the foregoing articles to the allied and associated States shall be accorded equally to all States members of the League of Nations.

The present treaty, of which the French and English texts are both authentic, shall be ratified. It shall come into force at the same time as the treaty of peace with Germany.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given. In that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

*Article 21.* Poland agrees to assume responsibility for such proportion of the Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the principal allied and associated powers on the one hand and Poland on the other, to be prepared by a commission appointed by the above States. In the event of the commission not arriving at an agreement, the point at issue shall be referred for immediate arbitration to the League of Nations.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

*Done at Versailles, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the signatory powers.*

# INTERNATIONAL CONCILIATION

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## TREATY OF PEACE WITH GERMANY



SEPTEMBER, 1919

No. 142

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY





## TREATY OF PEACE WITH GERMANY

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THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers,

BELGIUM, BOLIVIA, BRAZIL, CHINA, CUBA, ECUADOR, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, CZECHO-SLOVAKIA, and URUGUAY,

These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers,

of the one part;

And GERMANY,

of the other part;

Bearing in mind that on the request of the Imperial German Government an Armistice was granted on November 11, 1918, to Germany by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded with her, and

The Allied and Associated Powers being equally desirous that the war in which they were successively involved directly or indirectly and which originated in the declaration of war by Austria-Hungary on July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm, just and durable Peace,

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Woodrow WILSON, PRESIDENT OF THE UNITED STATES, acting in his own name and by his own proper authority;

The Honourable Robert LANSING, Secretary of State;

The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

The Honourable Edward M. HOUSE;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

The Right Honourable David LLOYD GEORGE, M. P.,  
First Lord of His Treasury and Prime Minister;

The Right Honourable Andrew BONAR LAW, M. P.,  
His Lord Privy Seal;

The Right Honourable Viscount MILNER, G. C. B., G. C. M. G., His Secretary of State for the Colonies;

The Right Honourable Arthur James BALFOUR, O. M., M. P., His Secretary of State for Foreign Affairs;

The Right Honourable George Nicoll BARNES, M. P.,  
Minister without portfolio;

And

for the DOMINION of CANADA, by:

The Honourable Charles Joseph DOHERTY, Minister of Justice;

The Honourable Arthur Lewis SIFTON, Minister of Customs;

for the COMMONWEALTH of AUSTRALIA, by:

The Right Honourable William Morris HUGHES, Attorney General and Prime Minister;

The Right Honourable Sir Joseph COOK, G. C. M. G.,  
Minister for the Navy;

for the UNION of SOUTH AFRICA, by:

General the Right Honourable Louis BOTHA, Minister of  
Native Affairs, and Prime Minister;  
Lieutenant-General the Right Honourable Jan Christiaan  
SMUTS, K. C., Minister of Defence;

for the DOMINION of NEW ZEALAND, by:

The Right Honourable William Ferguson MASSEY, Min-  
ister of Labour and Prime Minister;

for INDIA, by:

The Right Honourable Edwin Samuel MONTAGU, M. P.,  
His Secretary of State for India;  
Major-General His Highness Maharaja Sir Ganga Singh  
Bahadur, Maharaja of BIKANER, G. C. S. I., G. C. I. E.,  
G. C. V. O., K. C. B., A. D. C.;

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges CLEMENCEAU, President of the Council,  
Minister of War;  
Mr. Stephen PICHON, Minister for Foreign Affairs;  
Mr. Louis-Lucien KLOTZ, Minister of Finance;  
Mr. André TARDIEU, Commissary General for Franco-  
American Military Affairs;  
Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY, by:

Baron S. SONNINO, Deputy;  
Marquis G. IMPERIALI, Senator, Ambassador of His  
Majesty the King of Italy at London;  
Mr. S. CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Marquis SAIONZI, formerly President of the Council of  
Ministers;  
Baron MAKINO, formerly Minister for Foreign Affairs,  
Member of the Diplomatic Council;  
Viscount CHINDA, Ambassador Extraordinary and Pleni-  
potentiary of H. M. the Emperor of Japan at London;  
Mr. K. MATSUI, Ambassador Extraordinary and Plenipo-  
tentiary of H. M. the Emperor of Japan at Paris;

Mr. H. IJUN, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE BELGIANS, by:

Mr. Paul HYMANS, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

Mr. Emile VANDERVELDE, Minister of Justice, Minister of State;

THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, by:

Mr. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

THE PRESIDENT OF THE REPUBLIC OF BRAZIL, by:

Mr. João Pandiá CALOGERAS, Deputy, formerly Minister of Finance;

Mr. Raul FERNANDES, Deputy;

Mr. Rodrigo Octavio de L. MENEZES, Professor of International Law of Rio de Janeiro;

THE PRESIDENT OF THE CHINESE REPUBLIC, by:

Mr. LOU Tseng-Tsiang, Minister for Foreign Affairs;

Mr. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

THE PRESIDENT OF THE CUBAN REPUBLIC, by:

Mr. Antonio Sánchez de BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

THE PRESIDENT OF THE REPUBLIC OF ECUADOR, by:

Mr. Enrique DORN Y DE ALSÚA, Envoy Extraordinary and Minister Plenipotentiary of Ecuador at Paris;

HIS MAJESTY THE KING OF THE HELLENES, by:

Mr. Eleftherios K. VENISÉLOS, President of the Council of Ministers;

Mr. Nicolas POLITIS, Minister for Foreign Affairs;



THE PRESIDENT OF THE REPUBLIC OF GUATEMALA,  
by:

Mr. Joaquin MÉNDEZ, formerly Minister of State for Public Works and Public Instruction, Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, Envoy Extraordinary and Minister Plenipotentiary on special mission at Paris;

THE PRESIDENT OF THE REPUBLIC OF HAITI, by:

Mr. Tertullien GUILBAUD, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris;

HIS MAJESTY THE KING OF THE HEDJAZ, by:

Mr. Rustem HAÏDAR;  
Mr. Abdul Hadi AOUNI;

THE PRESIDENT OF THE REPUBLIC OF HONDURAS,  
by:

Dr. Policarpo BONILLA, on special mission to Washington, formerly President of the Republic of Honduras, Envoy Extraordinary and Minister Plenipotentiary;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA, by:

The Honourable Charles Dunbar Burgess KING, Secretary of State;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,  
by:

Mr. Salvador CHAMORRO, President of the Chamber of Deputies;

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:

Mr. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

THE PRESIDENT OF THE REPUBLIC OF PERU, by:

Mr. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris;

## THE PRESIDENT OF THE POLISH REPUBLIC, by:

Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;  
 Mr. Roman DMOWSKI, President of the Polish National Committee;

## THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:

Dr. Affonso Augusto DA COSTA, formerly President of the Council of Ministers;  
 Dr. Augusto Luiz Vieira SOARES, formerly Minister for Foreign Affairs;

## HIS MAJESTY THE KING OF ROUMANIA, by:

Mr. Ion I. C. BRATIANO, President of the Council of Ministers, Minister for Foreign Affairs;  
 General Constantin COANDA, Corps Commander, A. D. C. to the King, formerly President of the Council of Ministers;

## HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by:

Mr. Nicolas P. PACHITCH, formerly President of the Council of Ministers;  
 Mr. Ante TRUMBIC, Minister for Foreign Affairs;  
 Mr. Milenko VESNITCH, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of the Serbs, the Croats, and the Slovenes at Paris;

## HIS MAJESTY THE KING OF SIAM, by:

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Siam at Paris;  
 His Serene Highness Prince Traidos PRABANDHU, Under Secretary of State for Foreign Affairs;

## THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:

Mr. Karel KRAMÁŘ, President of the Council of Ministers;  
 Mr. Eduard BENEŠ, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF URUGUAY, by:  
Mr. Juan Antonio BUERO, Minister for Foreign Affairs,  
formerly Minister of Industry;

GERMANY, by:

Mr. Hermann MÜLLER, Minister for Foreign Affairs of the  
Empire;  
Dr. BELL, Minister of the Empire;

Acting in the name of the German Empire and of each and  
every component State,

WHO having communicated their full powers found in good  
and due form have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of  
war will terminate. From that moment and subject to the pro-  
visions of this Treaty official relations with Germany, and with  
any of the German States, will be resumed by the Allied and  
Associated Powers.

## PART I.

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### THE COVENANT OF THE LEAGUE OF NATIONS.

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#### THE HIGH CONTRACTING PARTIES,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,  
by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

#### ARTICLE I.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion, or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval, and air forces and armaments.



Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

#### ARTICLE 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat,

#### ARTICLE 3.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may not have more than three Representatives.

#### ARTICLE 4.

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

#### ARTICLE 5.

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE 6.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

## ARTICLE 7.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

## ARTICLE 8.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

## ARTICLE 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally.

## ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.



## ARTICLE 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

## ARTICLE 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

## ARTICLE 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make

all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General; as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the

Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE 16.

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nations and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

## ARTICLE 17.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States, not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purpose of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

## ARTICLE 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

## ARTICLE 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.



## ARTICLE 20.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

## ARTICLE 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

## ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject

to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children,

- both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
  - (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
  - (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
  - (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
  - (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

#### ARTICLE 24.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

## ARTICLE 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

## ARTICLE 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

## ANNEX.

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES  
OF THE TREATY OF PEACE.

UNITED STATES OF AMERICA.	HAITI.
BELGIUM.	HEDJAZ.
BOLIVIA.	HONDURAS.
BRAZIL.	ITALY.
BRITISH EMPIRE.	JAPAN.
CANADA.	LIBERIA.
AUSTRALIA.	NICARAGUA.
SOUTH AFRICA.	PANAMA.
NEW ZEALAND.	PERU.
INDIA.	POLAND.
CHINA.	PORTUGAL.
CUBA.	ROUMANIA.
ECUADOR.	SERB-CROAT-SLOVENE STATE.
FRANCE.	SIAM.
GREECE.	CZECHO-SLOVAKIA.
GUATEMALA.	URUGUAY.



## STATES INVITED TO ACCEDE TO THE COVENANT.

ARGENTINE REPUBLIC.	PERSIA.
CHILI.	SALVADOR.
COLOMBIA.	SPAIN.
DENMARK.	SWEDEN.
NETHERLANDS.	SWITZERLAND.
NORWAY.	VENEZUELA.
PARAGUAY.	

## II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

The Honourable Sir James Eric DRUMMOND, K. C. M. G., C. B.

## PART II.

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### BOUNDARIES OF GERMANY.

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#### ARTICLE 27.

The boundaries of Germany will be determined as follows:

1. *With Belgium:*

From the point common to the three frontiers of Belgium, Holland, and Germany and in a southerly direction:

the north-eastern boundary of the former territory of *neutral Moresnet*, then the eastern boundary of the *Kreis* of Eupen, then the frontier between Belgium and the *Kreis* of Montjoie, then the northeastern and eastern boundary of the *Kreis* of Malmédy to its junction with the frontier of Luxemburg.

2. *With Luxemburg:*

The frontier of August 3, 1914, to its junction with the frontier of France of the 18th July, 1870.

3. *With France:*

The frontier of July 18, 1870, from Luxemburg to Switzerland with the reservations made in Article 48 of Section IV (Saar Basin) of Part III.

4. *With Switzerland:*

The present frontier.

5. *With Austria.*

The frontier of August 3, 1914, from Switzerland to Czecho-Slovakia as hereinafter defined.

6. *With Czecho-Slovakia:*

The frontier of August 3, 1914, between Germany and Austria from its junction with the old administrative boundary separating Bohemia and the province of Upper Austria to the point north

of the salient of the old province of Austrian Silesia situated at about 8 kilometres east of Neustadt.

#### 7. *With Poland:*

From the point defined above to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

the frontier as it will be fixed in accordance with Article 88 of the present Treaty;

thence in a northerly direction to the point where the administrative boundary of Posnania crosses the river Bartsch:

a line to be fixed on the ground leaving the following places in Poland: Skorischau, Reichthal, Trembatschau, Kunzendorf, Schleise, Gross Kosel, Schreibersdorf, Rippin, Fürstlich-Niefken, Pawelau, Tscheschen, Konradau, Johannisdorf, Modzenowe, Bogdaj, and in Germany: Lorzendorf, Kaulwitz, Glausche, Dalbersdorf, Reesewitz, Stradam, Gross Wartenberg, Kraschen, Neu Mittelwalde, Domaslawitz, Wedelsdorf, Tscheschen Hammer;

thence the administrative boundary of Posnania north-westwards to the point where it cuts the Rawitsch-Herrnstadt railway;

thence to the point where the administrative boundary of Posnania cuts the Reisen-Tschirnau road:

a line to be fixed on the ground passing west of Triebusch and Gabel and east of Saborwitz;

thence the administrative boundary of Posnania to its junction with the eastern administrative boundary of the *Kreis* of Frau-stadt;

thence in a north-westerly direction to a point to be chosen on the road between the villages of Unruhstadt and Kopnitz:

a line to be fixed on the ground passing west of Geyersdorf, Brenno, Fehlen, Altkloster, Klebel, and east of Ulbersdorf, Buchwald, Ilgen, Weine, Lupitze, Schwenten:

thence in a northerly direction to the northernmost point of Lake Chlop:

a line to be fixed on the ground following the median line of the lakes; the town and the station of Bentschen however (including the junction of the lines Schwiebus-Bentschen and Züllichau-Bentschen) remaining in Polish territory;

thence in a north-easterly direction to the point of junction of the boundaries of the *Kreise* of Schwerin, Birnbaum, and Me-seritz:

a line to be fixed on the ground passing east of Betsche;  
 thence in a northerly direction the boundary separating the *Kreise* of Schwerin and Birnbaum, then in an easterly direction the northern boundary of Posnania to the point where it cuts the river Netze;

thence upstream to its confluence with the Küddow:

the course of the Netze;

thence upstream to a point to be chosen about 6 kilometres southeast of Schneidemühl:

the course of the Küddow;

thence north-eastwards to the most southern point of the remnant of the northern boundary of Posnania about 5 kilometres west of Stahren:

a line to be fixed on the ground leaving the Schneidemühl-Konitz railway in this area entirely in German territory;

thence the boundary of Posnania north-eastwards to the point of the salient it makes about 15 kilometres east of Flatow;

thence north-eastwards to the point where the river Kamionka meets the southern boundary of the *Kreis* of Konitz about 3 kilometres north-east of Grunau:

a line to be fixed on the ground leaving the following places to Poland: Jasdrowo, Gr. Lutau, Kl. Lutau, Wittkau, and to Germany: Gr. Butzig, Cziskowo, Battrow, Böck, Grunau;

thence in a northerly direction the boundary between the *Kreise* of Konitz and Schlochau to the point where this boundary cuts the river Brahe;

thence to a point on the boundary of Pomerania 15 kilometres east of Rummelsburg:

a line to be fixed on the ground leaving the following places in Poland: Konarzin, Kelpin, Adl. Briesen, and in Germany: Sampohl, Neuguth, Steinfort, Gr. Peterkau;

then the boundary of Pomerania in an easterly direction to its junction with the boundary between the *Kreise* of Konitz and Schlochau;

thence northwards the boundary between Pomerania and West Prussia to the point on the river Rheda about 3 kilometres north-west of Gohra where that river is joined by a tributary from the north-west;

thence to a point to be selected in the bend of the Piasnitz river about 1½ kilometres north-west of Warschkau:

a line to be fixed on the ground;



thence this river downstream, then the median line of Lake Zarnowitz, then the old boundary of West Prussia to the Baltic Sea.

8. *With Denmark:*

The frontier as it will be fixed in accordance with Articles 109 to 111 of Part III, Section XII (Schleswig).

ARTICLE 28.

The boundaries of East Prussia, with the reservations made in Section IX (East Prussia) of Part III, will be determined as follows:

from a point on the coast of the Baltic Sea about  $1\frac{1}{2}$  kilometres north of Pröbbernau church in a direction of about  $159^{\circ}$  East from true North:

a line to be fixed on the ground for about 2 kilometres;

thence in a straight line to the light at the bend of the Elbing Channel in approximately latitude  $54^{\circ} 19\frac{1}{2}'$  North, longitude  $19^{\circ} 26'$  East of Greenwich;

thence to the easternmost mouth of the Nogat River at a bearing of approximately  $209^{\circ}$  East from true North;

thence up the course of the Nogat River to the point where the latter leaves the Vistula (Weichsel);

thence up the principal channel of navigation of the Vistula, then the southern boundary of the *Kreis* of Marienwerder, then that of the *Kreis* of Rosenberg eastwards to the point where it meets the old boundary of East Prussia.

thence the old boundary between East and West Prussia, then the boundary between the *Kreise* of Osterode and Neidenburg, then the course of the river Skottau downstream, then the course of the Neide upstream to a point situated about 5 kilometres west of Bialutten being the nearest point to the old frontier of Russia;

thence in an easterly direction to a point immediately south of the intersection of the road Neidenburg-Mlava with the old frontier of Russia:

a line to be fixed on the ground passing north of Bialutten;

thence the old frontier of Russia to a point east of Schmalleningen, then the principal channel of navigation of the Niemen (Memel) downstream, then the Skierwieth arm of the delta to the Kurisches Haff;

thence a straight line to the point where the eastern shore of the Kurische Nehrung meets the administrative boundary about 4 kilometres south-west of Nidden;

thence this administrative boundary to the western shore of the Kurische Nehrung.

ARTICLE 29.

The boundaries as described above are drawn in red on a one-in-a-million map which is annexed to the present Treaty (Map No. 1).

In the case of any discrepancies between the text of the Treaty and this map or any other map which may be annexed, the text will be final.

ARTICLE 30.

In the case of boundaries which are defined by a waterway, the terms "course" and "channel" used in the present Treaty signify: in the case of non-navigable rivers, the median line of the waterway or of its principal arm, and, in the case of navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided by the present Treaty to specify in each case whether the frontier line shall follow any changes of the course or channel which may take place or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

### PART III.

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## POLITICAL CLAUSES FOR EUROPE.

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### SECTION I.

### BELGIUM.

#### ARTICLE 31.

Germany, recognising that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said Treaties and undertakes immediately to recognise and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesions should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it.

#### ARTICLE 32.

Germany recognises the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre*).

#### ARTICLE 33.

Germany renounces in favour of Belgium all rights and title over the territory of Prussian Moresnet situated on the west of the road from Liège to Aix-la-Chapelle; the road will belong to Belgium where it bounds this territory.

#### ARTICLE 34.

Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the *Kreise* of Eupen and of Malmédy.

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authority at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League.

#### ARTICLE 35.

A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

Decisions will be taken by a majority and will be binding on the parties concerned.

#### ARTICLE 36.

When the transfer of the sovereignty over the territories referred to above has become definite, German nationals habitually resident in the territories will definitively acquire Belgian nationality *ipso facto*, and will lose their German nationality.

Nevertheless, German nationals who became resident in the territories after August 1, 1914, shall not obtain Belgian nationality without a permit from the Belgian Government.

#### ARTICLE 37.

Within the two years following the definitive transfer of the sovereignty over the territories assigned to Belgium under the present Treaty, German nationals over 18 years of age habitually resident in those territories will be entitled to opt for German nationality.

Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to Germany.



They will be entitled to retain their immovable property in the territories acquired by Belgium. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

#### ARTICLE 38.

The German Government will hand over without delay to the Belgian Government the archives, registers, plans, title deeds and documents of every kind concerning the civil, military, financial, judicial or other administrations in the territory transferred to Belgian sovereignty.

The German Government will likewise restore to the Belgian Government the archives and documents of every kind carried off during the war by the German authorities from the Belgian public administrations, in particular from the Ministry of Foreign Affairs at Brussels.

#### ARTICLE 39.

The proportion and nature of the financial liabilities of Germany and of Prussia with Belgium will have to bear on account of the territories ceded to her shall be fixed in conformity with Articles 254 and 256 of Part IX (Financial Clauses) of the present Treaty.

### SECTION II.

#### LUXEMBURG.

#### ARTICLE 40.

With regard to the Grand Duchy of Luxemburg, Germany renounces the benefit of all the provisions inserted in her favour in the Treaties of February 8, 1842, April 2, 1847, October 20-25, 1865, August 18, 1866, February 21 and May 11, 1867, May 10, 1871, June 11, 1872, and November 11, 1902, and in all Conventions consequent upon such Treaties.

Germany recognises that the Grand Duchy of Luxemburg ceased to form part of the German Zollverein as from January 1, 1919, renounces all rights to the exploitation of the railways, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

## ARTICLE 41.

Germany undertakes to grant to the Grand Duchy of Luxemburg, when a demand to that effect is made to her by the Principal Allied and Associated Powers, the rights and advantages stipulated in favour of such Powers or their nationals in the present Treaty with regard to economic questions, to questions relative to transport and to aerial navigation.

## SECTION III.

## LEFT BANK OF THE RHINE.

## ARTICLE 42.

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

## ARTICLE 43.

In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

## ARTICLE 44.

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

## SECTION IV.

## SAAR BASIN.

## ARTICLE 45.

As compensation for the destruction of the coal-mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with

exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal-mines situated in the Saar Basin as defined in Article 48.

#### ARTICLE 46.

In order to assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines, Germany agrees to the provisions of Chapters I and II of the Annex hereto.

#### ARTICLE 47.

In order to make in due time permanent provision for the government of the Saar Basin in accordance with the wishes of the populations, France and Germany agree to the provisions of Chapter III of the Annex hereto.

#### ARTICLE 48.

The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, will be fixed as follows:

*On the south and south-west:* by the frontier of France as fixed by the present Treaty.

*On the north-west and north:* by a line following the northern administrative boundary of the *Kreis* of Merzig from the point where it leaves the French frontier to the point where it meets the administrative boundary separating the commune of Saarlölbach from the commune of Britten; following this communal boundary southwards and reaching the administrative boundary of the canton of Merzig so as to include in the territory of the Saar Basin the canton of Mettlach, with the exception of the commune of Britten; following successively the northern boundaries of the cantons of Merzig and Haustedt, which are incorporated in the aforesaid Saar Basin, then successively the administrative boundaries separating the *Kreise* of Sarrelouis, Ottweiler, and Saint-Wendel from the *Kreise* of Merzig, Trèves (Trier), and the Principality of Birkenfeld as far as a point situated about 500 metres north of the village of Furschweiler (*viz.*, the highest point of the Metzelberg).

*On the north-east and east:* from the last point defined above to a point about 3½ kilometres east-north-east of Saint-Wendel:

a line to be fixed on the ground passing east of Furschweiler, west of Roschberg, east of points 418,329 (south of Roschberg), west of Leitersweiler, north-east of point 464, and following the line of the crest southwards to its junction with the administrative boundary of the *Kreis* of Kusel;

thence in a southerly direction the boundary of the *Kreis* of Kusel, then the boundary of the *Kreis* of Homburg towards the south-south-east to a point situated about 1000 metres west of Dunzweiler;

thence to a point about 1 kilometre south of Hornbach:

a line to be fixed on the ground passing through point 424 (about 1000 metres south-east of Dunzweiler), point 363 (Fuchs-Berg), point 322 (south-west of Waldmohr), then east of Jägersburg and Erbach, then encircling Homburg, passing through the points 361 (about 2½ kilometres north-east by east of that town), 342 (about 2 kilometres south-east of that town), 347 (Schreiners-Berg), 356, 350 (about 1½ kilometres south-east of Schwarzenbach), then passing east of Einöd, south-east of points 322 and 333, about 2 kilometres east of Webenheim, about 2 kilometres east of Mimbach, passing east of the plateau which is traversed by the road from Mimbach to Böckweiler (so as to include this road in the territory of the Saar Basin), passing immediately north of the junction of the roads from Böckweiler and Altheim situated about 2 kilometres north of Altheim, then passing south of Ringweilerhof and north of point 322, rejoining the frontier of France at the angle which it makes about 1 kilometre south of Hornbach (see Map No. 2 scale 1/100,000 annexed to the present Treaty).

A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above.

In those parts of the preceding line which do not coincide with administrative boundaries, the Commission will endeavour to keep to the line indicated, while taking into consideration, so far as is possible, local economic interests and existing communal boundaries.

The decisions of this Commission will be taken by a majority, and will be binding on the parties concerned.



## ARTICLE 49.

Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.

## ARTICLE 50.

The stipulations under which the cession of the mines in the Saar Basin shall be carried out, together with the measures intended to guarantee the rights and the well-being of the inhabitants and the government of the territory, as well as the conditions in accordance with which the plebiscite hereinbefore provided for is to be made, are laid down in the Annex hereto. This Annex shall be considered as an integral part of the present Treaty, and Germany declares her adherence to it.

## ANNEX.

In accordance with the provisions of Articles 45 to 50 of the present Treaty, the stipulations under which the cession by Germany to France of the mines of the Saar Basin will be effected, as well as the measures intended to ensure respect for the rights and well-being of the population and the government of the territory, and the conditions in which the inhabitants will be called upon to indicate the sovereignty under which they may wish to be placed, have been laid down as follows:

## CHAPTER I.

## CESSION AND EXPLOITATION OF MINING PROPERTY.

## I.

From the date of the coming into force of the present Treaty, all the deposits of coal situated within the Saar Basin as defined in Article 48 of the said Treaty, become the complete and absolute property of the French State.

The French State will have the right of working or not working the said mines, or of transferring to a third party the right of

working them, without having to obtain any previous authorisation or to fulfil any formalities.

The French State may always require that the German mining laws and regulations referred to below shall be applied in order to ensure the determination of its rights.

2.

The right of ownership of the French State will apply not only to the deposits which are free and for which concessions have not yet been granted, but also to the deposits for which concessions have already been granted, whoever may be the present proprietors, irrespective of whether they belong to the Prussian State, to the Bavarian State, to other States or bodies, to companies or to individuals, whether they have been worked or not, or whether a right of exploitation distinct from the right of the owners of the surface of the soil has or has not been recognised.

3.

As far as concerns the mines which are being worked, the transfer of the ownership to the French State will apply to all the accessories and subsidiaries of the said mines, in particular to their plant and equipment both on and below the surface, to their extracting machinery, their plants for transforming coal into electric power, coke and by-products, their workshops, means of communication, electric lines, plant for catching and distributing water, land, buildings such as offices, managers', employees' and workmen's dwellings, schools, hospitals and dispensaries, their stocks and supplies of every description, their archives and plans, and in general everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories and subsidiaries.

The transfer will apply also to the debts owing for products delivered before the entry into possession by the French State, and after the signature of the present Treaty, and to deposits of money made by customers, whose rights will be guaranteed by the French State.

4.

The French State will acquire the property free and clear of all debts and charges. Nevertheless, the rights acquired, or in course of being acquired, by the employees of the mines and their

accessories and subsidiaries at the date of the coming into force of the present Treaty, in connection with pensions for old age or disability, will not be affected. In return, Germany must pay over to the French State a sum representing the actuarial amounts to which the said employees are entitled.

## 5.

The value of the property thus ceded to the French State will be determined by the Reparation Commission referred to in Article 233 of Part VIII (Reparation) of the present Treaty.

This value shall be credited to Germany in part payment of the amount due for reparation.

It will be for Germany to indemnify the proprietors or parties concerned, whoever they may be.

## 6.

No tariff shall be established on the German railways and canals which may directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the mines and their accessories or subsidiaries, or of the material necessary to their exploitation. Such transport shall enjoy all the rights and privileges which any international railway conventions may guarantee to similar products of French origin.

## 7.

The equipment and personnel necessary to ensure the despatch and transport of the products of the mines and their accessories and subsidiaries, as well as the carriage of workmen and employees, will be provided by the local railway administration of the Basin.

## 8.

No obstacle shall be placed in the way of such improvements of railways or waterways as the French State may judge necessary to assure the despatch and the transport of the products of the mines and their accessories and subsidiaries, such as double trackage, enlargement of stations, and construction of yards and appurtenances. The distribution of expenses will, in the event of disagreement, be submitted to arbitration.

The French State may also establish any new means of communication, such as roads, electric lines, and telephone connec-

tions which it may consider necessary for the exploitation of the mines.

It may exploit freely and without any restrictions the means of communication of which it may become the owner, particularly those connecting the mines and their accessories and subsidiaries with the means of communication situated in French territory.

## 9.

The French State shall always be entitled to demand the application of the German mining laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war, with a view to the acquisition of such land as it may judge necessary for the exploitation of the mines and their accessories and subsidiaries.

The payment for damage caused to immovable property by the working of the said mines and their accessories and subsidiaries shall be made in accordance with the German mining laws and regulations above referred to.

## 10.

Every person whom the French State may substitute for itself as regards the whole or part of its rights to the exploitation of the mines and their accessories and subsidiaries shall enjoy the benefit of the privileges provided in this Annex.

## 11.

The mines and other immovable property which become the property of the French State may never be made the subject of measures of forfeiture, forced sale, expropriation or requisition, nor of any other measure affecting the right of property.

The personnel and the plant connected with the exploitation of these mines or their accessories and subsidiaries, as well as the product extracted from the mines or manufactured in their accessories and subsidiaries, may not at any time be made the subject of any measures of requisition.

The exploitation of the mines and their accessories and subsidiaries, which become the property of the French State, will continue, subject to the provisions of paragraph 23 below, to be subject to the régime established by the German laws and



regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war.

The rights of the workmen shall similarly be maintained, subject to the provisions of the said paragraph 23, as established on November 11, 1918, by the German laws and regulations above referred to.

No impediment shall be placed in the way of the introduction or employment in the mines and their accessories and subsidiaries of workmen from without the Basin.

The employees and workmen of French nationality shall have the right to belong to French labour unions.

### 13.

The amount contributed by the mines and their accessories and subsidiaries, either to the local budget of the territory of the Saar Basin or to the communal funds, shall be fixed with due regard to the ratio of the value of the mines to the total taxable wealth of the Basin.

### 14.

The French State shall always have the right of establishing and maintaining, as incidental to the mines, primary or technical schools for its employees and their children, and of causing instruction therein to be given in the French language, in accordance with such curriculum and by such teachers as it may select.

It shall also have the right to establish and maintain hospitals, dispensaries, workmen's houses and gardens, and other charitable and social institutions.

### 15.

The French State shall enjoy complete liberty with respect to the distribution, dispatch and sale prices of the products of the mines and their accessories and subsidiaries.

Nevertheless, whatever may be the total product of the mines, the French Government undertakes that the requirements of local consumption for industrial and domestic purposes shall always be satisfied in the proportion existing in 1913 between the amount consumed locally and the total output of the Saar Basin.

## CHAPTER II.

## GOVERNMENT OF THE TERRITORY OF THE SAAR BASIN.

## 16.

The Government of the territory of the Saar Basin shall be entrusted to a Commission representing the League of Nations. This Commission shall sit in the territory of the Saar Basin.

## 17.

The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

The members of the Governing Commission shall be appointed for one year and may be re-appointed. They can be removed by the Council of the League of Nations, which will provide for their replacement.

The members of the Governing Commission will be entitled to a salary which will be fixed by the Council of the League of Nations, and charged on the local revenues.

## 18.

The Chairman of the Governing Commission shall be appointed for one year from among the members of the Commission by the Council of the League of Nations and may be re-appointed.

The Chairman will act as the executive of the Commission.

## 19.

Within the territory of the Saar Basin the Governing Commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary.

It shall have full powers to administer and operate the railways, canals, and the different public services.

Its decisions shall be taken by a majority.

## 20.

Germany will place at the disposal of the Governing Commission all official documents and archives under the control of Germany, of any German State, or of any local authority, which relate to the territory of the Saar Basin or to the rights of the inhabitants thereof.

## 21.

It will be the duty of the Governing Commission to ensure, by such means and under such conditions as it may deem suitable, the protection abroad of the interests of the inhabitants of the territory of the Saar Basin.

## 22.

The Governing Commission shall have the full right of user of all property, other than mines, belonging, either in public or in private domain, to the Government of the German Empire, or the Government of any German State, in the territory of the Saar Basin.

As regards the railways an equitable apportionment of rolling stock shall be made by a mixed Commission on which the Government of the territory of the Saar Basin and the German railways will be represented.

Persons, goods, vessels, carriages, wagons and mails coming from or going to the Saar Basin shall enjoy all the rights and privileges relating to transit and transport which are specified in the provisions of Part XII (Ports, Waterways and Railways) of the present Treaty.

## 23.

The laws and regulations in force on November 11, 1918, in the territory of the Saar Basin (except those enacted in consequence of the state of war) shall continue to apply.

If, for general reasons or to bring these laws and regulations into accord with the provisions of the present Treaty, it is necessary to introduce modifications, these shall be decided on, and put into effect by the Governing Commission, after consultation with the elected representatives of the inhabitants in such a manner as the Commission may determine.

No modification may be made in the legal régime for the exploitation of the mines, provided for in paragraph 12, without the French State being previously consulted, unless such modifica-

tion results from a general regulation respecting labour adopted by the League of Nations.

In fixing the conditions and hours of labour for men, women and children, the Governing Commission is to take into consideration the wishes expressed by the local labour organisations, as well as the principles adopted by the League of Nations.

## 24.

Subject to the provisions of paragraph 4, no rights of the inhabitants of the Saar Basin acquired or in process of acquisition at the date of coming into force of this Treaty, in respect of any insurance system of Germany or in respect of any pension of any kind, are affected by any of the provisions of the present Treaty.

Germany and the Government of the territory of the Saar Basin will preserve and continue all of the aforesaid rights.

## 25.

The civil and criminal courts existing in the territory of the Saar Basin shall continue.

A civil and criminal court will be established by the Governing Commission to hear appeals from the decisions of the said courts and to decide matters for which these courts are not competent.

The Governing Commission will be responsible for settling the organisation and jurisdiction of the said court.

Justice will be rendered in the name of the Governing Commission.

## 26.

The Governing Commission will alone have the power of levying taxes and dues in the territory of Saar Basin.

These taxes and dues will be exclusively applied to the needs of the territory.

The fiscal system existing on November 11, 1918, will be maintained as far as possible, and no new tax except customs duties may be imposed without previously consulting the elected representatives of the inhabitants.

## 27.

The present stipulation will not affect the existing nationality of the inhabitants of the territory of the Saar Basin.



No hindrance shall be placed in the way of those who wish to acquire a different nationality, but in such case the acquisition of the new nationality will involve the loss of any other.

## 28.

Under the control of the Governing Commission the inhabitants will retain their local assemblies, their religious liberties, their schools and their language.

The right of voting will not be exercised for any assemblies other than the local assemblies, and will belong to every inhabitant over the age of twenty years, without distinction of sex.

## 29.

Any of the inhabitants of the Saar Basin who may desire to leave the territory will have full liberty to retain in it their immovable property or to sell it at fair prices, and to remove their movable property free of any charges.

## 30.

There will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden.

Only a local gendarmerie for the maintenance of order may be established.

It will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin.

## 31.

The territory of the Saar Basin as defined by Article 48 of the present Treaty shall be subjected to the French customs régime. The receipts from the customs duties on goods intended for local consumption shall be included in the budget of the said territory after deduction of all costs of collection.

No export tax shall be imposed upon metallurgical products or coal exported from the said territory to Germany, nor upon the German exports for the use of the industries of the territory of the Saar Basin.

Natural or manufactured products originating in the Basin in transit over German territory and, similarly, German products in

transit over the territory of the Basin shall be free of all customs duties.

Products which both originate in and pass from the Basin into Germany shall be free of import duties for a period of five years from the date of the coming into force of the present Treaty, and during the same period articles imported from Germany into the territory of the Basin for local consumption shall likewise be free of import duties.

During these five years the French Government reserves to itself the right of limiting to the annual average of the quantities imported into Alsace-Lorraine and France in the years 1911 to 1913 the quantities which may be sent into France of all articles coming from the Basin which include raw materials and semi-manufactured goods imported duty free from Germany. Such average shall be determined after reference to all available official information and statistics.

### 32.

No prohibition or restriction shall be imposed upon the circulation of French money in the territory of the Saar Basin.

The French State shall have the right to use French money in all purchases, payments, and contracts connected with the exploitation of the mines or their accessories and subsidiaries.

### 33.

The Governing Commission shall have power to decide all questions arising from the interpretation of the preceding provisions.

France and Germany agree that any dispute involving a difference of opinion as to the interpretation of the said provision shall in the same way be submitted to the Governing Commission, and the decision of a majority of the Commission shall be binding on both countries.

## CHAPTER III.

### PLEBISCITE.

### 34.

At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory

of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts, on the three following alternatives: (a) maintenance of the régime established by the present Treaty and by this Annex; (b) union with France; (c) union with Germany.

All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

The other conditions, methods, and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

### 35.

The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

(a) If, for the whole or part of the territory, the League of Nations decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favour of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interest;

(b) If, for the whole or part of the territory, the League of Nations decides in favour of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations, all rights and title over the territory specified by the League.

(c) If, for the whole or part of the territory, the League of Nations decides in favour of union with Germany, it will be the duty of the League of Nations to cause the German Government to be re-established in the government of the territory specified by the League.

### 36.

If the League of Nations decides in favour of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of

the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority.

The obligation of Germany to make such payment shall be taken into account by the Reparation Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparation Commission.

If, nevertheless, Germany after a period of one year from the date on which the payment becomes due shall not have effected the said payment, the Reparation Commission shall do so in accordance with such instructions as may be given by the League of Nations, and, if necessary, by liquidating that part of the mines which is in question.

## 37.

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

## 38.

It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

## 39.

The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government



of the territory of the Saar Basin arising from loans raised by the Commission or from other causes.

From the coming into force of the new régime, the powers of the Governing Commission will terminate, except in the case provided for in paragraph 35 (*a*).

40.

In all matters dealt with in the present Annex, the decisions of the Council of the League of Nations will be taken by a majority.

SECTION V.

ALSACE-LORRAINE.

The HIGH CONTRACTING PARTIES, recognising the moral obligation to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux,

Agree upon the following Articles:

ARTICLE 51.

The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfort of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

The provisions of the Treaties establishing the delimitation of the frontiers before 1871 shall be restored.

ARTICLE 52.

The German Government shall hand over without delay to the French Government all archives, registers, plans, titles and documents of every kind concerning the civil, military, financial, judicial or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

## ARTICLE 53.

Separate agreements shall be made between France and Germany dealing with the interests of the inhabitants of the territories referred to in Article 51, particularly as regards their civil rights, their business and the exercise of their professions, it being understood that Germany undertakes as from the present date to recognise and accept the regulations laid down in the Annex hereto regarding the nationality of the inhabitants or natives of the said territories, not to claim at any time or in any place whatsoever as German nationals those who shall have been declared on any ground to be French, to receive all others in her territory, and to conform, as regards the property of German nationals in the territories indicated in Article 51, with the provisions of Article 297 and the Annex to Section IV of Part X (Economic Clauses) of the present Treaty.

Those German nationals who without acquiring French nationality shall receive permission from the French Government to reside in the said territories shall not be subjected to the provisions of the said Article.

## ARTICLE 54.

Those persons who have regained French nationality in virtue of paragraph 1 of the Annex hereto will be held to be Alsace-Lorrainers for the purposes of the present Section.

The persons referred to in paragraph 2 of the said Annex will from the day on which they have claimed French nationality be held to be Alsace-Lorrainers with retroactive effect as from November 11, 1918. For those whose application is rejected, the privilege will terminate at the date of the refusal.

Such juridical persons will also have the status of Alsace-Lorrainers as shall have been recognised as possessing this quality whether by the French administrative authorities or by a judicial decision.

## ARTICLE 55.

The territories referred to in Article 51 shall return to France free and quit of all public debts under the conditions laid down in Article 255 of Part IX (Financial Clauses) of the present Treaty.

## ARTICLE 56.

In conformity with the provisions of Article 256 of Part IX (Financial Clauses) of the present Treaty, France shall enter into

possession of all property and estate, within the territories referred to in Article 51, which belong to the German Empire or German States, without any payment or credit on this account to any of the States ceding the territories.

This provision applies to all movable or immovable property of public or private domain together with all rights whatsoever belonging to the German Empire or German States or to their administrative areas.

Crown property and the property of the former Emperor or other German sovereigns shall be assimilated to property of the public domain.

#### ARTICLE 57.

Germany shall not take any action, either by means of stamping or by any other legal or administrative measures not applying equally to the rest of her territory, which may be to the detriment of the legal value or redeemability of Germany monetary instruments or monies which, at the date of the signature of the present Treaty, are legally current, and at that date are in the possession of the French Government.

#### ARTICLE 58.

A special Convention will determine the conditions for repayment in marks of the exceptional war expenditure advanced during the course of the war by Alsace-Lorraine or by the public bodies in Alsace-Lorraine on account of the Empire in accordance with German law, such as payment to the families of persons mobilised, requisitions, billeting of troops, and assistance to persons who have been evacuated.

In fixing the amount of these sums Germany shall be credited with that portion which Alsace-Lorraine would have contributed to the Empire to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the Imperial revenues derived from Alsace-Lorraine in 1913.

#### ARTICLE 59.

The French Government will collect for its own account the Imperial taxes, duties and dues of every kind leviable in the territories referred to in Article 51 and not collected at the time of the Armistice of November 11, 1918.

## ARTICLE 60.

The German Government shall without delay restore to Alsace-Lorrainers (individuals, juridical persons and public institutions) all property, rights and interests belonging to them on November 11, 1918, in so far as these are situated in German territory.

## ARTICLE 61.

The German Government undertakes to continue and complete without delay the execution of the financial clauses regarding Alsace-Lorraine contained in the Armistice Conventions.

## ARTICLE 62.

The German Government undertakes to bear the expense of all civil and military pensions which had been earned in Alsace-Lorraine on date of November 11, 1918, and the maintenance of which was a charge on the budget of the German Empire.

The German Government shall furnish each year the funds necessary for the payment in francs, at the average rate of exchange for that year, of the sums in marks to which persons resident in Alsace-Lorraine would have been entitled if Alsace-Lorraine had remained under German jurisdiction.

## ARTICLE 63.

For the purposes of the obligation assumed by Germany in Part VIII (Reparation) of the present Treaty to give compensation for damages caused to the civil populations of the Allied and Associated countries in the form of fines, the inhabitants of the territories referred to in Article 51 shall be assimilated to the above-mentioned populations.

## ARTICLE 64.

The regulations concerning the control of the Rhine and of the Moselle are laid down in Part XII (Ports, Waterways and Railways) of the present Treaty.

## ARTICLE 65.

Within a period of three weeks after the coming into force of the present Treaty, the port of Strasburg and the port of Kehl



shall be constituted, for a period of seven years, a single unit from the point of view of exploitation.

The administration of this single unit will be carried on by a manager named by the Central Rhine Commission, which shall also have power to remove him.

This manager shall be of French nationality.

He will reside in Strasburg and will be subject to the supervision of the Central Rhine Commission.

There will be established in the two ports free zones in conformity with Part XII (Ports, Waterways and Railways) of the present Treaty.

A special Convention between France and Germany which shall be submitted to the approval of the Central Rhine Commission, will fix the details of this organisation, particularly as regards finance.

It is understood that for the purpose of the present Article the port of Kehl includes the whole of the area necessary for the movement of the port and the trains which serve it, including the harbour, quays and railroads, platforms, cranes, sheds and warehouses, silos, elevators and hydro-electric plants, which make up the equipment of the port.

The German Government undertakes to carry out all measures which shall be required of it in order to assure that all the making-up and switching of trains arriving at or departing from Kehl, whether for the right bank or the left bank of the Rhine, shall be carried on in the best conditions possible.

All property rights shall be safeguarded. In particular the administration of the ports shall not prejudice any property rights of the French or Baden railroads.

Equality of treatment as respects traffic shall be assured in both ports to the nationals, vessels and goods of every country.

In case at the end of the sixth year France shall consider that the progress made in the improvement of the port of Strasburg still requires a prolongation of this temporary régime, she may ask for such prolongation from the Central Rhine Commission, which may grant an extension for a period not exceeding three years.

Throughout the whole period of any such extension the free zones above provided for shall be maintained.

Pending appointment of the first manager by the Central Rhine Commission a provisional manager who shall be of French

nationality may be appointed by the Principal Allied and Associated Powers subject to the foregoing provisions.

For all purposes of the present Article the Central Rhine Commission will decide by a majority of votes.

#### ARTICLE 66.

The railway and other bridges across the Rhine now existing within the limits of Alsace-Lorraine shall, as to all their parts and their whole length, be the property of the French State, which shall ensure their upkeep.

#### ARTICLE 67.

The French Government is substituted in all the rights of the German Empire over all the railways which were administered by the Imperial railway administration and which are actually working or under construction.

The same shall apply to the rights of the Empire with regard to railway and tramway concessions within the territories referred to in Article 51.

This substitution shall not entail any payment on the part of the French State.

The frontier railway stations shall be established by a subsequent agreement, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank.

#### ARTICLE 68.

In accordance with the provisions of Article 268 of Chapter I of Section I of Part X (Economic Clauses) of the present Treaty, for a period of five years from the coming into force of the present Treaty, natural or manufactured products originating in and coming from the territories referred to in Article 51 shall, on importation into German customs territory, be exempt from all customs duty.

The French Government may fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

Further, during the period of five years above mentioned, the German Government shall allow the free export from Germany and the free reimportation into Germany, exempt from all customs, duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories referred to in Article 51, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerization, gassing, twisting or dressing.

#### ARTICLE 69.

During a period of ten years from the coming into force of the present Treaty, central electric supply works situated in German territory and formerly furnishing electric power to the territories referred to in Article 51 or to any establishment the working of which passes permanently or temporarily from Germany to France, shall be required to continue such supply up to the amount of consumption corresponding to the undertakings and contracts current on November 11, 1918.

Such supply shall be furnished according to the contracts in force and at a rate which shall not be higher than that paid to the said works by German nationals.

#### ARTICLE 70.

It is understood that the French Government preserves its right to prohibit in the future in the territories referred to in Article 51 all new German participation:

(1) In the management or exploitation of the public domain and of public services, such as railways, navigable waterways, water works, gas works, electric power, etc.;

(2) In the ownership of mines and quarries of every kind and in enterprises connected therewith;

(3) In metallurgical establishments, even though their working may not be connected with that of any mine.

#### ARTICLE 71.

As regards the territories referred to in Article 51, Germany renounces on behalf of herself and her nationals as from November 11, 1918, all rights under the law of May 25, 1910, regarding the

trade in potash salts, and generally under any stipulations for the intervention of German organisations in the working of the potash mines. Similarly, she renounces on behalf of herself and her nationals all rights under any agreements, stipulations or laws which may exist to her benefit with regard to other products of the aforesaid territories.

#### ARTICLE 72.

The settlement of the questions relating to debts contracted before November 11, 1918, between the German Empire and the German States or their nationals residing in Germany on the one part and Alsace-Lorrainers residing in Alsace-Lorraine on the other part shall be effected in accordance with the provisions of Section III of Part X (Economic Clauses) of the present Treaty, the expression "before the war" therein being replaced by the expression "before November 11, 1918". The rate of exchange applicable in the case of such settlement shall be the average rate quoted on the Geneva Exchange during the month preceding November 11, 1918.

There may be established in the territories referred to in Article 51, for the settlement of the aforesaid debts under the conditions laid down in Section III of Part X (Economic Clauses) of the present Treaty, a special clearing office, it being understood that this office shall be regarded as a "central office" under the provisions of paragraph 1 of the Annex to the said Section.

#### ARTICLE 73.

The private property, rights and interests of Alsace-Lorrainers in Germany will be regulated by the stipulations of Section IV of Part X (Economic Clauses) of the present Treaty.

#### ARTICLE 74.

The French Government reserves the right to retain and liquidate all the property, rights and interests which German nationals or societies controlled by Germany possessed in the territories referred to in Article 51 on November 11, 1918, subject to the conditions laid down in the last paragraph of Article 53 above.



Germany will directly compensate her nationals who may have been dispossessed by the aforesaid liquidations.

The product of these liquidations shall be applied in accordance with the stipulations of Sections III and IV of Part X (Economic Clauses) of the present Treaty.

#### ARTICLE 75.

Notwithstanding the stipulations of Section V of Part X (Economic Clauses) of the present Treaty, all contracts made before the date of the promulgation in Alsace-Lorraine of the French decree of November 30, 1918, between Alsace-Lorrainers (whether individuals or juridical persons) or others resident in Alsace-Lorraine on the one part and the German Empire or German States and their nationals resident in Germany on the other part, the execution of which has been suspended by the Armistice or by subsequent French legislation, shall be maintained.

Nevertheless, any contract of which the French Government shall notify the cancellation to Germany in the general interest within a period of six months from the date of the coming into force of the present Treaty, shall be annulled except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder before November 11, 1918. If this dissolution would cause one of the parties substantial prejudice, equitable compensation, calculated solely on the capital employed without taking account of loss of profits, shall be accorded to the prejudiced party.

With regard to prescriptions, limitations and forfeitures in Alsace-Lorraine, the provisions of Articles 300 and 301 of Section V of Part X (Economic Clauses) shall be applied with the substitution for the expression "outbreak of war" of the expression "November 11, 1918", and for the expression "duration of the war" of the expression "period from November 11, 1918, to the date of the coming into force of the present Treaty".

#### ARTICLE 76.

Questions concerning rights in industrial, literary or artistic property of Alsace-Lorrainers shall be regulated in accordance with the general stipulations of Section VII of Part X (Economic

Clauses) of the present Treaty, it being understood that Alsace-Lorrainers holding rights of this nature under German legislation will preserve full and entire enjoyment of those rights on German territory.

#### ARTICLE 77.

The German Government undertakes to pay over to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old age insurance, as would fall to the disability and old age insurance fund at Strasburg.

The same shall apply in respect of the capital and reserves accumulated in Germany falling legitimately to other social insurance funds, to miners' superannuation funds, to the fund of the railways of Alsace-Lorraine, to other superannuation organisations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine.

A special Convention shall determine the conditions and procedure of these transfers.

#### ARTICLE 78.

With regard to the execution of judgments, appeals and prosecutions, the following rules shall be applied:

(1) All civil and commercial judgments which shall have been given since August 3, 1914, by the Courts of Alsace-Lorraine between Alsace-Lorrainers, or between Alsace-Lorrainers and foreigners, or between foreigners, and which shall not have been appealed from before November 11, 1918, shall be regarded as final and susceptible of immediate execution without further formality.

When the judgment has been given between Alsace-Lorrainers and Germans or between Alsace-Lorrainers and subjects of the allies of Germany, it shall only be capable of execution after the issue of an *exequatur* by the corresponding new tribunal in the restored territory referred to in Article 51.

(2) All judgments given by German Courts since August 3, 1914, against Alsace-Lorrainers for political crimes or misdemeanors shall be regarded as null and void.

(3) All sentences passed since November 11, 1918, by the Court of the Empire at Leipzig on appeals against the decisions of the Courts of Alsace-Lorraine shall be regarded as null and void and shall be so pronounced. The papers in regard to the cases in which such sentences have been given shall be returned to the Courts of Alsace-Lorraine concerned.

All appeals to the Court of the Empire against decisions of the Courts of Alsace-Lorraine shall be suspended. The papers shall be returned under the aforesaid conditions for transfer without delay to the French Cour de Cassation, which shall be competent to decide them.

(4) All prosecutions in Alsace-Lorraine for offences committed during the period between November 11, 1918, and the coming into force of the present Treaty will be conducted under German law except in so far as this has been modified by decrees duly published on the spot by the French authorities.

(5) All other questions as to competence, procedure or administration of justice shall be determined by a special Convention between France and Germany.

#### ARTICLE 79.

The stipulations as to nationality contained in the Annex hereto shall be considered as of equal force with the provisions of the present Section.

All other questions concerning Alsace-Lorraine which are not regulated by the present Section and the Annex thereto or by the general provisions of the present Treaty will form the subject of further conventions between France and Germany.

#### ANNEX.

##### I.

As from November 11, 1918, the following persons are *ipso facto* reinstated in French nationality:

(1) Persons who lost French nationality by the application of the Franco-German Treaty of May 10, 1871, and who have not since that date acquired any nationality other than German;

(2) The legitimate or natural descendants of the persons referred to in the immediately preceding paragraph, with the exception of those whose ascendants in the paternal line include a German who migrated into Alsace-Lorraine after July 15, 1870;

(3) All persons born in Alsace-Lorraine of unknown parents, or whose nationality is unknown.

## 2.

Within the period of one year from the coming into force of the present Treaty, persons included in any of the following categories may claim French nationality:

(1) All persons not restored to French nationality under paragraph 1 above, whose ascendants include a Frenchman or Frenchwoman who lost French nationality under the conditions referred to in the said paragraph;

(2) All foreigners, not nationals of a German State, who acquired the status of a citizen of Alsace-Lorraine before August 3, 1914;

(3) All Germans domiciled in Alsace-Lorraine, if they have been so domiciled since a date previous to July 15, 1870, or if one of their ascendants was at that date domiciled in Alsace-Lorraine;

(4) All Germans born or domiciled in Alsace-Lorraine who have served in the Allied or Associated armies during the present war, and their descendants;

(5) All persons born in Alsace-Lorraine before May 10, 1871, of foreign parents, and the descendants of such persons;

(6) The husband or wife of any person whose French nationality may have been restored under paragraph 1, or who may have claimed and obtained French nationality in accordance with the preceding provisions.

The legal representative of a minor may exercise, on behalf of that minor, the right to claim French nationality; and if that right has not been exercised, the minor may claim French nationality within the year following his majority.

Except in the cases provided for in No. (6) of the present paragraph, the French authorities reserve to themselves the right, in individual cases, to reject the claim to French nationality.

## 3.

Subject to the provisions of paragraph 2, Germans born or domiciled in Alsace-Lorraine shall not acquire French nationality



by reason of the restoration of Alsace-Lorraine to France, even though they may have the status of citizens of Alsace-Lorraine.

They may acquire French nationality only by naturalisation, on condition of having been domiciled in Alsace-Lorraine from a date previous to August 3, 1914, and of submitting proof of unbroken residence within the restored territory for a period of three years from November 11, 1918.

France will be solely responsible for their diplomatic and consular protection from the date of their application for French naturalisation.

The French Government shall determine the procedure by which reinstatement in French nationality as of right shall be effected, and the conditions under which decisions shall be given upon claims to such nationality and applications for naturalisation, as provided by the present Annex.

## SECTION VI.

### AUSTRIA.

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#### ARTICLE 80.

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.

## SECTION VII.

### CZECHO-SLOVAK STATE.

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#### ARTICLE 81.

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Czecho-Slovak State which will include the autonomous territory of the Ruthenians to the south of the Carpathians. Germany hereby recognises the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States.

## ARTICLE 82.

The old frontier as it existed on August 3, 1914, between Austria-Hungary and the German Empire will constitute the frontier between Germany and the Czecho-Slovak State.

## ARTICLE 83.

Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of Silesian territory defined as follows:

- starting from a point about 2 kilometres south-east of Katscher, on the boundary between the *Kreise* of Leobschütz and Ratibor: the boundary between the two *Kreise*;

- then, the former boundary between Germany and Austria-Hungary up to a point on the Oder immediately to the south of the Ratibor-Oderberg railway;

- thence, towards the north-west and up to a point about 2 kilometres to the south-east of Katscher:

- a line to be fixed on the spot passing to the west of Kranowitz.

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Poland and one by the Czecho-Slovak State, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line between Poland and the Czecho-Slovak State.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

Germany hereby agrees to renounce in favour of the Czecho-Slovak State all rights and title over the part of the *Kreis* of Leobschütz comprised within the following boundaries in case after the determination of the frontier between Germany and Poland the said part of that *Kreis* should become isolated from Germany:

- from the south-eastern extremity of the salient of the former Austrian frontier at about 5 kilometres to the west of Leobschütz southwards and up to the point of junction with the boundary between the *Kreise* of Leobschütz and Ratibor:

- the former frontier between Germany and Austria-Hungary;

- then, northwards, the administrative boundary between the

*Kreise* of Leobschütz and Ratibor up to a point situated about 2 kilometres to the south-east of Katscher;

thence, north-westwards and up to the starting-point of this definition:

a line to be fixed on the spot passing to the east of Katscher.

#### ARTICLE 84.

German nationals habitually resident in any of the territories recognised as forming part of the Czecho-Slovak State will obtain Czecho-Slovak nationality *ipso facto* and lose their German nationality.

#### ARTICLE 85.

Within a period of two years from the coming into force of the present Treaty, German nationals over eighteen years of age habitually resident in any of the territories recognized as forming part of the Czecho-Slovak State will be entitled to opt for German nationality. Czecho-Slovaks who are German nationals and are habitually resident in Germany will have a similar right to opt for Czecho-Slovak nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising the right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Czecho-Slovaks, who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Czecho-Slovak nationality and lose their German nationality by complying with the requirements laid down by the Czecho-Slovak State.

#### ARTICLE 86.

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such

provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language, or religion.

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

The proportion and nature of the financial obligations of Germany and Prussia which the Czecho-Slovak State will have to assume on account of the Silesian territory placed under its sovereignty will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions not decided by the present Treaty which may arise in consequence of the cession of the said territory.

## SECTION VIII.

### POLAND.

#### ARTICLE 87.

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea, the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty up to a point situated about 2 kilometres to the east of Lorzendorf, then a line to the acute angle which the northern boundary of Upper Silesia makes about 3 kilometres north-west of Simmenau, then the boundary of Upper Silesia to its meeting point with the old frontier between Germany and Russia, then this frontier to the point where it crosses the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.



A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany.

The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned.

#### ARTICLE 88.

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland:

starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt, the former frontier between Germany and Austria to its junction with the boundary between the *Kreise* of Leobschütz and Ratibor;

thence in a northerly direction to a point about 2 kilometres south-east of Katscher:

the boundary between the *Kreise* of Leobschütz and Ratibor;

thence in a south-easterly direction to a point on the course of the Oder immediately south of the Ratibor-Oderberg railway:

a line to be fixed on the ground passing south of Kranowitz;

thence the old boundary between Germany and Austria, then the old boundary between Germany and Russia to its junction with the administrative boundary between Posnania and Upper Silesia;

thence this administrative boundary to its junction with the administrative boundary between Upper and Middle Silesia;

thence westwards to the point where the administrative boundary turns in an acute angle to the south-east about 3 kilometres north-west of Simmenau:

the boundary between Upper and Middle Silesia;

then in a westerly direction to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

a line to be fixed on the ground passing north of Klein Hennersdorf:

thence southwards to the point where the boundary between Upper and Middle Silesia cuts the Städtel-Karlsruhe road:

a line to be fixed on the ground passing west of Hennersdorf, Polkowitz, Noldau, Steinersdorf, and Dammer, and east of Strehlitz, Nassadel, Eckersdorf, Schwirz, and Städtel;

thence the boundary between Upper and Middle Silesia to its junction with the eastern boundary of the *Kreis* of Falkenberg;

then the eastern boundary of the *Kreis* of Falkenberg to the point of the salient which is 3 kilometres east of Puschine;

thence to the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt:

a line to be fixed on the ground passing east of Zülz.

The régime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto.

The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite.

## ANNEX.

### I.

Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2 shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind and from all acts likely to prejudice the material interests of the country.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

All military and semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All

members of such military organisations who are not domiciled in the said area shall be required to leave it.

## 2.

The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers: the United States of America, France, the British Empire, and Italy. It shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

## 3.

The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the Government of the province and the *Regierungsbezirk*.

It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be

assisted by technical advisers chosen by it from among the local population.

The decisions of the Commission shall be taken by a majority vote.

#### 4.

The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

The right to vote shall be given to all persons without distinction of sex who:

(a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;

(b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

Persons convicted of political offences shall be enabled to exercise their right of voting.

Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

The result of the vote will be determined by communes according to the majority of votes in each commune.

#### 5.

On the conclusion of the voting, the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

#### 6.

As soon as the frontier has been fixed by the Principal Allied and Associated Powers, the German authorities will be notified



by the International Commission that they are free to take over the administration of the territory which it is recognised should be German; the said authorities must proceed to do so within one month of such notification and in the manner prescribed by the Commission.

Within the same period and in the manner prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory which it is recognized should be Polish.

When the administration of the territory has been provided for by the German and Polish authorities respectively, the powers of the Commission will terminate.

The cost of the army of occupation and expenditure by the Commission, whether in discharge of its own functions or in the administration of the territory, will be a charge on the area.

#### ARTICLE 89.

Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons, and mails in transit between East Prussia and the rest of Germany over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation, starting point, or ownerships as regards facilities, restrictions and all other matters.

Goods in transit shall be exempt from all customs or other similar duties.

Freedom of transit will extend to telegraphic and telephonic services under the conditions laid down by the conventions referred to in Article 98.

#### ARTICLE 90.

Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty.

Such products shall be free from all export duties or other charges or restrictions on exportation.

Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers

in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.

#### ARTICLE 91.

German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

German nationals, however, or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

Poles who are German nationals over 18 years of age and habitually resident in Germany will have a similar right to opt for Polish nationality.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt may within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising the right to opt.

They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

Within the same period Poles who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Polish nationality and to lose their German nationality by complying with the requirements laid down by the Polish State.

In the portion of Upper Silesia submitted to a plebiscite the provisions of this Article shall only come into force as from the definitive attribution of the territory.

## ARTICLE 92.

The proportion and the nature of the financial liabilities of Germany and Prussia which are to be borne by Poland will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

There shall be excluded from the share of such financial liabilities assumed by Poland that portion of the debt which, according to the finding of the Reparation Commission referred to in the above-mentioned Article, arises from measures adopted by the German and Prussian Governments with a view to German colonisation in Poland.

In fixing under Article 256 of the present Treaty the value of the property and possessions belonging to the German Empire and to the German States which pass to Poland with the territory transferred above, the Reparation Commission shall exclude from the valuation buildings, forests, and other State property which belonged to the former Kingdom of Poland; Poland shall acquire these properties free of all costs and charges.

In all the German territory transferred in accordance with the present Treaty and recognised as forming definitively part of Poland, the property, rights, and interests of German nationals shall not be liquidated under Article 297 by the Polish Government except in accordance with the following provisions:

(1) The proceeds of the liquidation shall be paid direct to the owner;

(2) If on his application the Mixed Arbitral Tribunal provided for by Section VI of Part X (Economic Clauses) of the present Treaty, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Polish Government outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by the Polish Government.

Further agreements will regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty.

## ARTICLE 93.

Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be

deemed necessary by the said Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language, or religion.

Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

## SECTION IX.

### EAST PRUSSIA.

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#### ARTICLE 94.

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

The western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletsko and Angerburg; thence, the northern boundary of the *Kreis* of Oletsko to its junction with the old frontier of East Prussia.

#### ARTICLE 95.

The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission will have general powers of administration and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness, and secrecy. The



Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority.

Every person, irrespective of sex, will be entitled to vote who:

(a) Is 20 years of age at the date of the coming into force of the present Treaty, and

(b) Was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born.

The result of the vote will be determined by communes (*Gemeinde*) according to the majority of the votes in each commune.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region.

If the line fixed by the Principal Allied and Associated Powers is such as to exclude from East Prussia any part of the territory defined in Article 94, the renunciation of its rights by Germany in favour of Poland, as provided in Article 87 above, will extend to the territories so excluded.

As soon as the line has been fixed by the Principal Allied and Associated Powers, the authorities administering East Prussia will be notified by the International Commission that they are free to take over the administration of the territory to the north of the line so fixed, which they shall proceed to do within one month of such notification and in the manner prescribed by the Commission. Within the same period and as prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory to the south of the line. When

the administration of the territory by the East Prussian and Polish authorities respectively has been provided for, the powers of the Commission will terminate.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues. East Prussia will be required to bear such proportion of any deficit as may be fixed by the Principal Allied and Associated Powers.

#### ARTICLE 96.

In the area comprising the *Kreise* of Stuhm and Rosenberg and the portion of the *Kreis* of Marienburg which is situated east of the Nogat and that of Marienwerder east of the Vistula, the inhabitants will be called upon to indicate by a vote, to be taken in each commune (*Gemeinde*), whether they desire the various communes situated in this territory to belong to Poland or to East Prussia.

#### ARTICLE 97.

The German troops and authorities will be withdrawn from the area defined in Article 96 within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period, the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission, supported if occasion arises by the necessary forces, will have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness, and secrecy. The Commission will conform as far as possible to the provisions of the present Treaty relating to the plebiscite in the Allenstein area; its decisions will be taken by a majority.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region, leaving in any case to Poland for the whole of the section bordering on the Vistula full and complete control of the river including the east bank as far east of the river as may be necessary for its regulation and improvement. Germany agrees that in any portion of the said territory which remains German, no fortifications shall at any time be erected.

The Principal Allied and Associated Powers will at the same time draw up regulations for assuring to the population of East Prussia to the fullest extent and under equitable conditions access to the Vistula and the use of it for themselves, their commerce, and their boats.

The determination of the frontier and the foregoing regulations shall be binding upon all the parties concerned.

When the administration of the territory has been taken over by the East Prussian and Polish authorities respectively, the powers of the Commission will terminate.

#### ARTICLE 98.

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand, to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

## SECTION X.

## MEMEL.

## ARTICLE 99.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north-eastern frontier of East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia.

Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

## SECTION XI.

## FREE CITY OF DANZIG.

## ARTICLE 100.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territory comprised within the following limits:

from the Baltic Sea southwards to the point where the principal channels of navigation of the Nogat and the Vistula (Weichsel) meet:

the boundary of East Prussia as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty;

thence the principal channel of navigation of the Vistula downstream to a point about  $6\frac{1}{2}$  kilometres north of the bridge of Dirschau;

thence north-west to point 5,  $1\frac{1}{2}$  kilometres south-east of the church of Gütthland:

a line to be fixed on the ground;

thence in a general westerly direction to the salient made by the boundary of the *Kreis* of Berent  $8\frac{1}{2}$  kilometres north-east of Schöneck:

a line to be fixed on the ground passing between Mühlbanz on the south and Rambeltsch on the north;

thence the boundary of the *Kreis* of Berent westwards to the



re-entrant which it forms 6 kilometres north-north-west of Schöneck;

thence to a point on the median line of Lonkener See:

a line to be fixed on the ground passing north of Neu Fietz and Schatarpi and south of Barenhütte and Lonken;

thence the median line of Lonkener See to its northernmost point;

thence to the southern end of Pollenziner See:

a line to be fixed on the ground;

thence the median line of Pollenziner See to its northernmost point;

thence in a north-easterly direction to a point about 1 kilometre south of Koliebken church, where the Danzig-Neustadt railway crosses a stream:

a line to be fixed on the ground passing south-east of Kamehlen, Krissau, Fidlin, Sulmin (Richthof), Mattern, Schäferlei, and to the north-west of Neuendorf, Marschau, Czapielken, Hoch- and Klein-Kelpin, Pulvermühl, Renneberg, and the towns of Oliva and Zoppot;

thence the course of the stream mentioned above to the Baltic Sea.

The boundaries described above are drawn on a German map, scale 1/100,000, attached to the present Treaty (Map No. 3).

#### ARTICLE 101.

A Commission composed of three members appointed by the Principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany and one member appointed by Poland, shall be constituted within fifteen days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries.

#### ARTICLE 102.

The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations.

## ARTICLE 103.

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

The High Commissioner shall reside at Danzig.

## ARTICLE 104.

The Principal Allied and Associated Powers undertake to negotiate a Treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City, with the following objects:

(1) To effect the inclusion of the Free City of Danzig within the Polish Customs frontiers, and to establish a free area in the port;

(2) To ensure to Poland without any restriction the free use and service of all waterways, docks, basins, wharves and other works within the territory of the Free City necessary for Polish imports and exports;

(3) To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City, except such street and other railways as serve primarily the needs of the Free City, and of postal, telegraphic and telephonic communication between Poland and the port of Danzig;

(4) To ensure to Poland the right to develop and improve the waterways, docks, basins, wharves, railways and other works and means of communication mentioned in this Article, as well as to lease or purchase through appropriate processes such land and other property as may be necessary for these purposes;

(5) To provide against any discrimination within the Free City of Danzig to the detriment of citizens of Poland and other persons of Polish origin or speech;

(6) To provide that the Polish Government shall undertake the conduct of the foreign relations of the Free City of Danzig as

well as the diplomatic protection of citizens of that city when abroad.

#### ARTICLE 105.

On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will *ipso facto* lose their German nationality in order to become nationals of the Free City of Danzig.

#### ARTICLE 106.

Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

All persons who exercise the right of option referred to above must during the ensuing twelve months transfer their place of residence to Germany.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

#### ARTICLE 107.

All property situated within the territory of the Free City of Danzig belonging to the German Empire or to any German State shall pass to the Principal Allied and Associated Powers for transfer to the Free City of Danzig or to the Polish State as they may consider equitable.

#### ARTICLE 108.

The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the Free City of Danzig shall be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

All other questions which may arise from the cession of the territory referred to in Article 100 shall be settled by further agreements.

## SECTION XII.

## SCHLESWIG.

## ARTICLE 109.

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West, (shown by a brown line on the map No. 4, annexed to the present Treaty):

leaving the Baltic Sea about 13 kilometres east-north-east of Flensburg,

running

south-west so as to pass south-east of: Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of: Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

thence westwards passing south of Frörup and north of Wanderup,

thence in a south-westerly direction passing south-east of Oxlund, Stieglund and Ostenau and north-west of the villages on the Wanderup-Kollund road,

thence in a north-westerly direction passing south-west of Löwenstedt, Joldelund, Goldelund, and north-east of Kolkerheide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm, where it meets the southern boundary of the *Kreis* of Tondern,

following this boundary to the North Sea,

passing south of the islands of Fohr and Amrum and north of the islands of Oland and Langeness,

shall be called upon to pronounce by a vote which will be taken under the following conditions:

(1) Within a period not exceeding ten days from the coming into force of the present Treaty, the German troops and authorities (including the *Oberpräsidenten*, *Regierungs-präsidenten*, *Landräthe*, *Amtsvorsteher*, *Oberbürgermeister*) shall evacuate the zone lying to the north of the line above fixed.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this zone shall be dissolved;



members of such councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall also be evacuated.

The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and Swedish Governments will each be requested to designate a member; in the event of their failing to do so, these two members will be chosen by the Principal Allied and Associated Powers.

The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority.

One-half of the expenses of the Commission and of the expenditure occasioned by the plebiscite shall be paid by Germany.

(2) The right to vote shall be given to all persons, without distinction of sex, who:

(a) Have completed their twentieth year at the date of the coming into force of the present Treaty; and

(b) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there.

Every person will vote in the commune (*Gemeinde*) where he is domiciled or of which he is a native.

Military persons, officers, non-commissioned officers and soldiers of the German army, who are natives of the zone of Schleswig in which the plebiscite is taken, shall be given the opportunity to return to their native place in order to take part in the voting there.

(3) In the section of the evacuated zone lying to the north of a line, from East to West (shown by a red line on map No. 4 which is annexed to the present Treaty):

passing south of the island of Alsen and following the median line of Flensburg Fjord,

leaving the fjord about 6 kilometres north of Flensburg and following the course of the stream flowing past Kupfermühle upstream to a point north of Niehuus,

passing north of Pattburg and Ellund and south of Fröslee to meet the eastern boundary of the *Kreis* of Tondern at its junction with the boundary between the old jurisdiction of Slogs and Kjær (*Slogs, Herred, and Kjær Herred*),

following the latter boundary to where it meets the Scheidebek, following the course of the Scheidebek (Altè Au), Süder Au, and Wied Au downstream successively to the point where the latter bends northwards about 1,500 metres west of Ruttebüll,

thence, in a west-north-westerly direction to meet the North Sea north of Sieltoft,

thence, passing north of the island of Sylt,  
the vote above provided for shall be taken within a period not exceeding three weeks after the evacuation of the country by the German troops and authorities.

The result will be determined by the majority of votes cast in the whole of this section. This result will be immediately communicated by the Commission to the Principal Allied and Associated Powers and proclaimed.

If the vote results in favour of the reincorporation of this territory in the Kingdom of Denmark, the Danish Government in agreement with the Commission will be entitled to effect its occupation with their military and administrative authorities immediately after the proclamation.

(4) In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the Baltic Sea 13 kilometres from Flensburg and ends north of the islands of Oland and Langeness, the vote will be taken within a period not exceeding five weeks after the plebiscite shall have been held in the first section.

The result will be determined by communes (*Gemeinden*), in accordance with the majority of the votes cast in each commune (*Gemeinde*).

#### ARTICLE 110.

Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according to a line

based on the result of the voting, and proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question.

From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated.

Germany hereby renounces definitely in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark.

#### ARTICLE III.

A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned.

#### ARTICLE II2.

All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.

Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

#### ARTICLE II3.

Within two years from the date on which the sovereignty over the whole or part of the territory of Schleswig subjected to the plebiscite is restored to Denmark:

Any person over 18 years of age, born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark;

Any person over 18 years of age habitually resident in the territory restored to Denmark will be entitled to opt for Germany.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted.

They will be entitled to retain the immovable property which they own in the territory of the other State in which they were habitually resident before opting. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

#### ARTICLE 114.

The proportion and nature of the financial or other obligations of Germany and Prussia which are to be assumed by Denmark will be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Further stipulations will determine any other questions arising out of the transfer to Denmark of the whole or part of the territory of which she was deprived by the Treaty of October 30, 1864.

#### SECTION XIII.

#### HELIGOLAND.

#### ARTICLE 115.

The fortifications, military establishments, and harbours, of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

The term "harbours" shall include the north-east mole, the west wall, the outer and inner breakwaters, and reclaimed land within them, and all naval and military works, fortifications, and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19, 1918.



- (a) lat.  $54^{\circ} 10' 49''$  N.; long.  $7^{\circ} 53' 39''$  E.;
- (b) —  $54^{\circ} 10' 35''$  N.; —  $7^{\circ} 54' 18''$  E.;
- (c) —  $54^{\circ} 10' 14''$  N.; —  $7^{\circ} 54' 00''$  E.;
- (d) —  $54^{\circ} 10' 17''$  N.; —  $7^{\circ} 53' 37''$  E.;
- (e) —  $54^{\circ} 10' 44''$  N.; —  $7^{\circ} 53' 26''$  E.

These fortifications, military establishments, and harbours shall not be reconstructed nor shall any similar works be constructed in future.

#### SECTION XIV.

### RUSSIA AND RUSSIAN STATES.

#### ARTICLE 116.

Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions, and agreements entered into by her with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

#### ARTICLE 117.

Germany undertakes to recognise the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognise the frontiers of any such States as determined therein.

## PART IV.

GERMAN RIGHTS AND INTERESTS OUTSIDE  
GERMANY.

## ARTICLE 118.

In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

Germany hereby undertakes to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

In particular Germany declares her acceptance of the following Articles relating to certain special subjects.

## SECTION I.

## GERMAN COLONIES.

## ARTICLE 119.

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

## ARTICLE 120.

All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

## ARTICLE 121.

The provisions of Sections I and IV of Part X (Economic Clauses) of the present Treaty shall apply in the case of these territories whatever be the form of Government adopted for them.

## ARTICLE 122.

The Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

## ARTICLE 123.

The provisions of Article 260 of Part IX (Financial Clauses) of the present Treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals.

## ARTICLE 124.

Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons or the frontier zone by reason of the acts of the German civil and military authorities and of German private individuals during the period from January 1, 1900, to August 1, 1914.

## ARTICLE 125.

Germany renounces all rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. She undertakes to pay to the French Government, in accordance with the estimate to be presented by that Government and approved by the Reparation Commission, all the deposits, credits, advances, etc., effected by virtue of these instruments in favour of Germany.

## ARTICLE 126.

Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same.

## ARTICLE 127.

The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories.

## SECTION II.

## CHINA.

## ARTICLE 128.

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

## ARTICLE 129.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.



## ARTICLE 130.

Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin and Hankow or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

## ARTICLE 131.

Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900-1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

## ARTICLE 132.

Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

## ARTICLE 133.

Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of

the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

#### ARTICLE 134.

Germany renounces in favour of the Government of His Britannic Majesty the German State property in the British Concession at Shameen at Canton. She renounces in favour of the French and Chinese Governments conjointly the property of the German school situated in the French Concession at Shanghai.

#### SECTION III.

#### SIAM.

#### ARTICLE 135.

Germany recognises that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

#### ARTICLE 136.

All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

#### ARTICLE 137.

Germany waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the seizure or condemnation of German ships, the liquidation of German

property, or the internment of German nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

#### SECTION IV.

#### LIBERIA.

##### ARTICLE 138.

Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

##### ARTICLE 139.

Germany recognises that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

##### ARTICLE 140.

The property, rights and interests of Germans in Liberia shall be dealt with in accordance with Part X (Economic Clauses) of the present Treaty.

#### SECTION V.

#### MOROCCO.

##### ARTICLE 141.

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

## ARTICLE 142.

Germany having recognised the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

This renunciation shall take effect as from August 3, 1914.

## ARTICLE 143.

The Sherifian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there.

German protected persons, *semsars* and "*associés agricoles*" shall be considered as having ceased, as from August 3, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

## ARTICLE 144.

All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in the Sherifian Empire belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

## ARTICLE 145.

The German Government shall ensure the transfer to a person nominated by the French Government of the shares representing Germany's portion of the capital of the State Bank of Morocco. The value of these shares, as assessed by the Reparation Com-



mission, shall be paid to the Reparation Commission for the credit of Germany on account of the sums due for reparation. The German Government shall be responsible for indemnifying its nationals so dispossessed.

This transfer will take place without prejudice to the repayment of debts which German nationals may have contracted towards the State Bank of Morocco.

#### ARTICLE 146.

Moroccan goods entering Germany shall enjoy the treatment accorded to French goods

### SECTION VI.

#### EGYPT.

#### ARTICLE 147.

Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

#### ARTICLE 148.

All treaties, agreements, arrangements and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

#### ARTICLE 149.

Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over German nationals and property by the British Consular Tribunals.

#### ARTICLE 150.

The Egyptian Government shall have complete liberty of action in regulating the status of German nationals and the

conditions under which they may establish themselves in Egypt.

#### ARTICLE 151.

Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

#### ARTICLE 152.

Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

#### ARTICLE 153.

All property and possessions in Egypt of the German Empire and the German States pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in Egypt belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

#### ARTICLE 154.

Egyptian goods entering Germany shall enjoy the treatment accorded to British goods.

### SECTION VII.

#### TURKEY AND BULGARIA.

#### ARTICLE 155.

Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey

and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty.

## SECTION VIII.

### SHANTUNG.

#### ARTICLE 156.

Germany renounces, in favour of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines and submarine cables—which she acquired in virtue of the Treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

#### ARTICLE 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

#### ARTICLE 158.

Germany shall hand over to Japan within three months from the coming into force of the present Treaty the archives, registers,

plans, title-deeds and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the rights, title or privileges referred to in the two preceding Articles.



## PART V.

## MILITARY, NAVAL AND AIR CLAUSES.

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In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

## SECTION I.

## MILITARY CLAUSES.

## CHAPTER I.

## EFFECTIVES AND CADRES OF THE GERMAN ARMY.

## ARTICLE 159.

The German military forces shall be demobilised and reduced as prescribed hereinafter.

## ARTICLE 160.

(1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

(2) Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. 1 annexed to this Section.

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

- An Infantry regiment;
- A Cavalry regiment;
- A regiment of Field Artillery;
- A battalion of Pioneers.

(3) The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article.

#### ARTICLE 161.

Army administrative services consisting of civilian personnel not included in the number of effectives prescribed by the present Treaty will have such personnel reduced in each class to one-tenth of that laid down in the Budget of 1913.

#### ARTICLE 162.

The number of employees or officials of the German States, such as customs officers, forest guards and coastguards, shall not exceed that of the employees or officials functioning in these capacities in 1913.

The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed.

These employees and officials may not be assembled for military training.

## ARTICLE 163.

The reduction of the strength of the German military forces as provided for in Article 160 may be effected gradually in the following manner:

Within three months from the coming into force of the present Treaty the total number of effectives must be reduced to 200,000 and the number of units must not exceed twice the number of those laid down in Article 160.

At the expiration of this period, and at the end of each subsequent period of three months, a Conference of military experts of the Principal Allied and Associated Powers will fix the reductions to be made in the ensuing three months, so that by March 31, 1920, at the latest the total number of German effectives does not exceed the maximum number of 100,000 men laid down in Article 160. In these successive reductions the same ratio between the number of officers and of men, and between the various kinds of units, shall be maintained as is laid down in that Article.

## CHAPTER II.

## ARMAMENT, MUNITIONS AND MATERIAL.

## ARTICLE 164.

Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one-twentyfifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League. Furthermore she hereby agrees strictly to observe the decisions of the Council of the League on this subject.

## ARTICLE 165.

The maximum number of guns, machine guns, trench-mortars, rifles and the amount of ammunition and equipment which Germany is allowed to maintain during the period between the coming into force of the present Treaty and the date of March 31, 1920, referred to in Article 160, shall bear the same proportion

to the amount authorized in Table No. III annexed to this Section as the strength of the German Army as reduced from time to time in accordance with Article 163 bears to the strength permitted under Article 160.

#### ARTICLE 166.

At the date of March 31, 1920, the stock of munitions which the German Army may have at its disposal shall not exceed the amounts fixed in Table No. III annexed to this Section.

Within the same period the German Government will store these stocks at points to be notified to the Governments of the Principal Allied and Associated Powers. The German Government is forbidden to establish any other stocks, depots or reserves of munitions.

#### ARTICLE 167.

The number and calibre of the guns constituting at the date of the coming into force of the present Treaty the armament of the fortified works, fortresses, and any land or coast forts which Germany is allowed to retain must be notified immediately by the German Government to the Governments of the Principal Allied and Associated Powers, and will constitute maximum amounts which may not be exceeded.

Within two months from the coming into force of the present Treaty, the maximum stock of ammunition for these guns will be reduced to, and maintained at, the following uniform rates:—fifteen hundred rounds per piece for those the calibre of which is 10.5 cm. and under: five hundred rounds per piece for those of higher calibre.

#### ARTICLE 168.

The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed.



## ARTICLE 169.

Within two months from the coming into force of the present Treaty German arms, munitions and war material, including anti-aircraft material, existing in Germany in excess of the quantities allowed, must be surrendered to the Governments of the Principal Allied and Associated Powers to be destroyed or rendered useless. This will also apply to any special plant intended for the manufacture of military material, except such as may be recognised as necessary for equipping the authorised strength of the German army.

The surrender in question will be effected at such points in German territory as may be selected by the said Governments.

Within the same period arms, munitions and war material, including anti-aircraft material, of origin other than German, in whatever state they may be, will be delivered to the said Governments, who will decide as to their disposal.

Arms and munitions which on account of the successive reductions in the strength of the German army become in excess of the amounts authorised by Tables II and III annexed to this Section must be handed over in the manner laid down above within such periods as may be decided by the Conferences referred to in Article 163.

## ARTICLE 170.

Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind.

## ARTICLE 171.

The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

The same applies to materials specially intended for the manufacture, storage and use of the said products or devices.

The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.

## ARTICLE 172.

Within a period of three months from the coming into force of the present Treaty, the German Government will disclose to the Governments of the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances or other like chemical preparations used by them in the war or prepared by them for the purpose of being so used.

## CHAPTER III.

## RECRUITING AND MILITARY TRAINING

## ARTICLE 173.

Universal compulsory military service shall be abolished in Germany.

The German Army may only be constituted and recruited by means of voluntary enlistment.

## ARTICLE 174.

The period of enlistment for non-commissioned officers and privates must be twelve consecutive years.

The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent. of the total effectives fixed by the second sub-paragraph of paragraph (1) of Article 160 of the present Treaty.

## ARTICLE 175.

The officers who are retained in the Army must undertake the obligation to serve in it up to the age of forty-five years at least.

Officers newly appointed must undertake to serve on the active list for twenty-five consecutive years at least.

Officers who have previously belonged to any formations whatever of the Army, and who are not retained in the units allowed to be maintained, must not take part in any military exercise whether theoretical or practical, and will not be under any military obligations whatever.

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year five per cent. of the total effectives of officers provided for in the third sub-paragraph (1) of Article 160 of the present Treaty.

## ARTICLE 176.

On the expiration of two months from the coming into force of the present Treaty there must only exist in Germany the number of military schools which is absolutely indispensable for the recruitment of the officers of the units allowed. These schools will be exclusively intended for the recruitment of officers of each arm, in the proportion of one school per arm.

The number of students admitted to attend the courses of the said schools will be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres will be reckoned in the effectives fixed by the second and third subparagraphs of paragraph (1) of Article 160 of the present Treaty.

Consequently, and during the period fixed above, all military academies or similar institutions in Germany, as well as the different military schools for officers, student officers (*Aspiranten*), cadets, non-commissioned officers or student non-commissioned officers (*Aspiranten*), other than the schools above provided for, will be abolished.

## ARTICLE 177.

Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters.

In particular they will be forbidden to instruct or exercise their members or to allow them to be instructed or exercised, in the profession or use of arms.

These societies, associations, educational establishments and universities must have no connection with the Ministries of War or any other military authority.

## ARTICLE 178.

All measures of mobilisation or appertaining to mobilisation are forbidden.

In no case must formations, administrative services or General Staffs include supplementary cadres.

## ARTICLE 179.

Germany agrees, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any

military, naval or air mission, nor to allow any such mission to leave her territory, and Germany further agrees to take appropriate measures to prevent German nationals from leaving her territory to become enrolled in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or otherwise for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers agree, so far as they are concerned, from the coming into force of the present Treaty, not to enrol in nor to attach to their armies or naval or air forces any German national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise to employ any such German national as military, naval or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

#### CHAPTER IV.

#### FORTIFICATIONS.

#### ARTICLE 180.

All fortified works, fortresses and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

Within a period of two months from the coming into force of the present Treaty such of the above fortified works, fortresses and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall be disarmed and dismantled within such periods as may be fixed by the Allied High Command.

The construction of any new fortification, whatever its nature and importance, is forbidden in the zone referred to in the first paragraph above.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.



TABLE No. I.

STATE AND ESTABLISHMENT OF ARMY CORPS HEADQUARTERS STAFFS  
AND OF INFANTRY AND CAVALRY DIVISIONS

These tabular statements do not form a fixed establishment to be imposed on Germany, but the figures contained in them (number of units and strengths) represent maximum figures, which should not in any case be exceeded.

## I. ARMY CORPS HEADQUARTERS STAFFS.

Unit.	Maximum No. authorised.	Maximum strengths of each unit.	
		Officers.	N. C. O.'s and Men.
Army Corps Headquarters Staff.....	2	30	150
Total for Headquarters Staffs.....	.....	60	300

## II. ESTABLISHMENT OF AN INFANTRY DIVISION.

Unit.	Maximum No. of such units in a single division.	Maximum strengths of each unit.	
		Officers.	N. C. O.'s and men.
Headquarters of an infantry division.....	1	25	70
Headquarters of divisional infantry.....	1	4	30
Headquarters of divisional artillery.....	1	4	30
Regiment of infantry.....	3	70	2,300
(Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine-gun company.)			
Trench mortar company.....	3	6	150
Divisional squadron.....	1	6	150
Field artillery regiment.....	1	85	1,300
(Each regiment comprises 3 groups of artillery. Each group comprises 3 batteries.)			
Pioneer battalion.....	1	12	400
(This battalion comprises 2 companies of pioneers, 1 pontoon detachment, 1 search-light section.)			
Signal detachment.....	1	12	300
(This detachment comprises 1 telephone detachment, 1 listening section, 1 carrier pigeon section.)			
Division medical service.....	1	20	400
Parks and convoys.....	.....	14	800
Total for infantry division.....	.....	410	10,830

## III. ESTABLISHMENT OF A CAVALRY DIVISION.

Unit.	Maximum No. of such units in a single division.	Maximum strengths of each unit.	
		Officers.	N. C. O.'s and men.
Headquarters of a cavalry division.....	1	15	50
Cavalry regiment..... (Each regiment comprises 4 squadrons.)	6	40	800
Horse artillery group (3 batteries).....	1	20	400
Total for cavalry division.....	.....	275	5,250

TABLE No. II.

TABULAR STATEMENT OF ARMAMENT ESTABLISHMENT FOR MAXIMUM OF SEVEN INFANTRY DIVISIONS, THREE CAVALRY DIVISIONS, AND TWO ARMY CORPS HEADQUARTERS STAFFS.

Material.	Infantry division. (1)	For 7 infantry divisions. (2)	Cavalry division. (3)	For 3 cavalry divisions. (4)	Two army corps headquarters staffs (5)	Total of columns 2, 4, and 5. (6)
Rifles.....	12,000	84,000	.....	.....	This establishment must be drawn from the increased armaments of the divisional infantry.	84,000
Carbines.....	.....	.....	6,000	18,000		18,000
Heavy machine guns..	108	756	12	36		792
Light machine guns...	162	1,134	.....	.....		1,134
Medium trench mortars	9	63	.....	.....		63
Light trench mortars..	27	189	.....	.....		189
7.7-cm. guns.....	24	168	12	36		204
10.5-cm. howitzers....	12	84	.....	.....		84

TABLE No. III.

## MAXIMUM STOCKS AUTHORISED.

Material.	Maximum number of Arms authorised.	Establishment, per unit.	Maximum, totals.
		<i>Rounds.</i>	<i>Rounds.</i>
Rifles.....	84,000	} 400	40,800,000
Carbines.....	18,000		
Heavy machine guns.....	792	} 8,000	15,408,000
Light machine guns.....	1,134		
Medium trench mortars.....	63	} 400	25,200
Light trench mortars.....	189	} 800	151,200
Field artillery:			
7.7-cm. guns.....	204	1,000	204,000
10.5-cm. howitzers.....	84	800	67,200

SECTION II.  
NAVAL CLAUSES.

ARTICLE 181.

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

6 battleships of the *Deutschland* or *Lothringen* type,

6 light cruisers,

12 destroyers,

12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

No submarines are to be included.

All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

ARTICLE 182.

Until the completion of the minesweeping prescribed by Article 193 Germany will keep in commission such number of minesweeping vessels as may be fixed by the Governments of the Principal Allied and Associated Powers.

ARTICLE 183.

After the expiration of a period of two months from the coming into force of the present Treaty, the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

The total strength of officers and warrant officers must not exceed fifteen hundred.

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilised.

No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength.

## ARTICLE 184.

From the date of the coming into force of the present Treaty all the German surface warships which are not in German ports cease to belong to Germany, who renounces all rights over them.

Vessels which, in compliance with the Armistice of November 11, 1918, are now interned in the ports of the Allied and Associated Powers are declared to be finally surrendered.

Vessels which are now interned in neutral ports will be there surrendered to the Governments of the Principal Allied and Associated Powers. The German Government must address a notification to that effect to the neutral Powers on the coming into force of the present Treaty.

## ARTICLE 185.

Within a period of two months from the coming into force of the present Treaty the German surface warships enumerated below will be surrendered to the Governments of the Principal Allied and Associated Powers in such Allied ports as the said Powers may direct.

These warships will have been disarmed as provided in Article XXIII of the Armistice of November 11, 1918. Nevertheless they must have all their guns on board.

## BATTLESHIPS.

*Oldenburg.*

*Thuringen.*

*Ostfriesland.*

*Helgoland.*

*Posen.*

*Westfalen.*

*Rheinland.*

*Nassau.*

## LIGHT CRUISERS.

*Stettin.*

*Danzig.*

*München.*

*Lübeck.*

*Stralsund.*

*Augsburg.*

*Kolberg.*

*Stuttgart.*

and, in addition, forty-two modern destroyers and fifty modern torpedo boats, as chosen by the Governments of the Principal Allied and Associated Powers.



## ARTICLE 186.

On the coming into force of the present Treaty the German Government must undertake, under the supervision of the Governments of the Principal Allied and Associated Powers, the breaking up of all the German surface warships now under construction.

## ARTICLE 187.

The German auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships.

## INTERNED IN NEUTRAL COUNTRIES:

<i>Berlin.</i>	<i>Seydlitz.</i>
<i>Santa Fé.</i>	<i>Yorck.</i>

## IN GERMANY:

<i>Ammon.</i>	<i>Fürst Bülow.</i>
<i>Answald.</i>	<i>Gertrud.</i>
<i>Bosnia.</i>	<i>Kigoma.</i>
<i>Cordoba.</i>	<i>Rugia.</i>
<i>Cassel.</i>	<i>Santa Elena.</i>
<i>Dania.</i>	<i>Schleswig.</i>
<i>Rio Negro.</i>	<i>Möwe.</i>
<i>Rio Pardo.</i>	<i>Sierra Ventana.</i>
<i>Santa Cruz.</i>	<i>Chemnitz.</i>
<i>Schwaben.</i>	<i>Emil Georg von Strauss.</i>
<i>Solingen.</i>	<i>Habsburg.</i>
<i>Steigerwald.</i>	<i>Meteor.</i>
<i>Franken.</i>	<i>Waltraute.</i>
<i>Gundomar.</i>	<i>Scharnhorst.</i>

## ARTICLE 188.

On the expiration of one month from the coming into force of the present Treaty all German submarines, submarine salvage vessels and docks for submarines, including the tubular dock, must have been handed over to the Governments of the Principal Allied and Associated Powers.

Such of these submarines, vessels and docks as are considered by the said Governments to be fit to proceed under their own

power or to be towed shall be taken by the German Government into such Allied ports as have been indicated.

The remainder, and also those in course of construction, shall be broken up entirely by the German Government under the supervision of the said Governments. The breaking-up must be completed within three months at the most after the coming into force of the present Treaty.

#### ARTICLE 189.

Articles, machinery and material arising from the breaking-up of German warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

#### ARTICLE 190.

Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty.

The warships intended for replacement purposes as above shall not exceed the following displacement:

Armoured ships . . . . .	10,000 tons,
Light cruisers . . . . .	6,000 tons,
Destroyers . . . . .	800 tons,
Torpedo boats . . . . .	200 tons.

Except where a ship has been lost, units of the different classes shall only be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of destroyers and torpedo boats, counting from the launching of the ship.

#### ARTICLE 191.

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

#### ARTICLE 192.

The warships in commission of the German fleet must have on board or in reserve only the allowance of arms, munitions and

war material fixed by the Principal Allied and Associated Powers.

Within a month from the fixing of the quantities as above, arms, munitions and war material of all kinds, including mines and torpedoes, now in the hands of the German Government and in excess of the said quantities, shall be surrendered to the Governments of the said Powers at places to be indicated by them. Such arms, munitions and war material will be destroyed or rendered useless.

All other stocks, depots or reserves of arms, munitions or naval war material of all kinds are forbidden.

The manufacture of these articles in German territory for, and their export to, foreign countries shall be forbidden.

#### ARTICLE 193.

On the coming into force of the present Treaty Germany will forthwith sweep up the mines in the following areas in the North Sea to the eastward of longitude  $4^{\circ} 00'$  E. of Greenwich:

- (1) Between parallels of latitude  $53^{\circ} 00'$  N. and  $59^{\circ} 00'$  N.;
- (2) To the northward of latitude  $60^{\circ} 30'$  N.

Germany must keep these areas free from mines.

Germany must also sweep and keep free from mines such areas in the Baltic as may ultimately be notified by the Governments of the Principal Allied and Associated Powers.

#### ARTICLE 194.

The personnel of the German Navy shall be recruited entirely by voluntary engagements entered into for a minimum period of twenty-five consecutive years for officers and warrant officers; twelve consecutive years for petty officers and men.

The number engaged to replace those discharged for any reason before the expiration of their term of service must not exceed five per cent. per annum of the totals laid down in this Section (Article 183).

The personnel discharged from the Navy must not receive any kind of naval or military training or undertake any further service in the Navy or Army.

Officers belonging to the Germany Navy and not demobilised must engage to serve till the age of forty-five, unless discharged for sufficient reasons.

No officer or man of the German mercantile marine shall receive any training in the Navy.

## ARTICLE 195.

In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes  $55^{\circ} 27' N.$  and  $54^{\circ} 00' N.$  and longitudes  $9^{\circ} 00' E.$  and  $16^{\circ} 00' E.$  of the meridian of Greenwich, nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the supervisions of the Allied Governments and in periods to be fixed by them.

The German Government shall place at the disposal of the Governments of the Principal Allied and Associated Powers all hydrographical information now in its possession concerning the channels and adjoining waters between the Baltic and the North Sea.

## ARTICLE 196.

All fortified works and fortifications, other than those mentioned in Section XIII (Heligoland) of Part III (Political Clauses for Europe) and in Article 195, now established within fifty kilometres of the German coast or on German islands off that coast shall be considered as of a defensive nature and may remain in their existing condition.

No new fortifications shall be constructed within these limits. The armament of these defences shall not exceed, as regards the number and calibre of guns, those in position at the date of the coming into force of the present Treaty. The German Government shall communicate forthwith particulars thereof to all the European Governments.

On the expiration of a period of two months from the coming into force of the present Treaty the stocks of ammunition for these guns shall be reduced to and maintained at a maximum figure of fifteen hundred rounds per piece for calibres of 4.1-inch and under, and five hundred rounds per piece for higher calibres.

## ARTICLE 197.

During the three months following the coming into force of the present Treaty the German high-power wireless telegraphy stations at Nauen, Hanover and Berlin shall not be used for the transmission of messages concerning naval, military or political questions of interest to Germany or any State which has been



allied to Germany in the war, without the assent of the Governments of the Principal Allied and Associated Powers. These stations may be used for commercial purposes, but only under the supervision of the said Governments, who will decide the wavelength to be used.

During the same period Germany shall not build any more high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria or Turkey.

### SECTION III.

### AIR CLAUSES.

#### ARTICLE 198.

The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept.

#### ARTICLE 199.

Within two months from the coming into force of the present Treaty the personnel of air forces on the rolls of the German land and sea forces shall be demobilised. Up to October 1, 1919, however, Germany may keep and maintain a total number of one thousand men, including officers, for the whole of the cadres and personnel, flying and non-flying, of all formations and establishments.

#### ARTICLE 200.

Until the complete evacuation of German territory by the Allied and Associated troops, the aircraft of the Allied and Associated Powers shall enjoy in Germany freedom of passage through the air, freedom of transit and of landing.

## ARTICLE 201.

During the six months following the coming into force of the present Treaty, the manufacture and importation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft, shall be forbidden in all German territory.

## ARTICLE 202.

On the coming into force of the present Treaty, all military and naval aeronautical material, except the machines mentioned in the second and third paragraphs of Article 198, must be delivered to the Governments of the Principal Allied and Associated Powers.

Delivery must be effected at such places as the said Governments may select, and must be completed within three months.

In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

Complete aeroplanes and seaplanes, as well as those being manufactured, repaired or assembled.

Dirigibles able to take the air, being manufactured, repaired or assembled.

Plant for the manufacture of hydrogen.

Dirigible sheds and shelters of every kind for aircraft.

Pending their delivery, dirigibles will, at the expense of Germany, be maintained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Germany until the time when the dirigibles are handed over.

Engines for aircraft.

Nacelles and fuselages.

Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo-dropping apparatus, synchronisation apparatus, aiming apparatus).

Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or of material for their manufacture).

Instruments for use on aircraft.

Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

Component parts of any of the items under the preceding heads.

The material referred to above shall not be removed without special permission from the said Governments.

## SECTION IV.

## INTER-ALLIED COMMISSIONS OF CONTROL.

## ARTICLE 203.

All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

## ARTICLE 204.

The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery, destruction, demolition and rendering things useless to be carried out at the expense of the German Government in accordance with the present Treaty.

They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate.

## ARTICLE 205.

The Inter-Allied Commissions of Control may establish their organisations at the seat of the central German Government.

They shall be entitled as often as they think desirable to proceed to any point whatever in German territory, or to send sub-commissions, or to authorise one or more of their members to go, to any such point.

## ARTICLE 206.

The German Government must give all necessary facilities for the accomplishment of their missions to the Inter-Allied Commissions of Control and to their members.

It shall attach a qualified representative to each Inter-Allied Commission of Control for the purpose of receiving the communications which the Commission may have to address to the German Government and of supplying or procuring for the Commission all information or documents which may be required.

The German Government must in all cases furnish at its own

cost all labour and material required to effect the deliveries and the works of destruction, dismantling, demolition, and of rendering things useless, provided for in the present Treaty.

#### ARTICLE 207.

The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Germany.

#### ARTICLE 208.

The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses.

In particular it will be its duty to receive from the German Government the notifications relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts which Germany is allowed to retain, and the location of the works or factories for the production of arms, munitions and war material and their operations.

It will take delivery of the arms, munitions and war material, will select the points where such delivery is to be effected, and will supervise the works of destruction, demolition, and of rendering things useless, which are to be carried out in accordance with the present Treaty.

The German Government must furnish to the Military Inter-Allied Commission of Control all such information and documents as the latter may deem necessary to ensure the complete execution of the military clauses, and in particular all legislative and administrative documents and regulations.

#### ARTICLE 209.

The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses.

In particular it will be its duty to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of all surface ships or submarines, salvage ships, docks and the tubular docks, and to supervise the destruction and breaking-up provided for.



The German Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the naval clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus and, in general, everything relating to naval war material, as well as all legislative or administrative documents or regulations.

#### ARTICLE 210.

The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses.

In particular it will be its duty to make an inventory of the aeronautical material existing in German territory, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots, to authorise, where necessary, a removal of material and to take delivery of such material.

The German Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the air clauses, and in particular a list of the personnel belonging to all the German Air Services, and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds.

#### SECTION V.

#### GENERAL ARTICLES.

#### ARTICLE 211.

After the expiration of a period of three months from the coming into force of the present Treaty, the German laws must have been modified and shall be maintained by the German Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part of the Treaty must have been taken.

ARTICLE 212.

The following portions of the Armistice of November 11, 1918: Article VI, the first two and the sixth and seventh paragraphs of Article VII; Article IX; Clauses I, II and V of Annex n° 2, and the Protocol, dated April 4, 1919, supplementing the Armistice of November 11, 1918, remain in force so far as they are not inconsistent with the above stipulations.

ARTICLE 213.

So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

PART VI.  
PRISONERS OF WAR AND GRAVES.

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SECTION I.  
PRISONERS OF WAR.

ARTICLE 214.

The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty and shall be carried out with the greatest rapidity.

ARTICLE 215.

The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

ARTICLE 216.

From the time of their delivery into the hands of the German authorities the prisoners of war and interned civilians are to be returned without delay to their homes by the said authorities.

Those amongst them who before the war were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

## ARTICLE 217.

The whole cost of repatriation from the moment of starting shall be borne by the German Government who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

## ARTICLE 218.

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to May 1, 1919.

During the period pending their repatriation all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

## ARTICLE 219.

Prisoners of war and interned civilians who are awaiting disposal or undergoing sentence for offences other than those against discipline may be detained.

## ARTICLE 220.

The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

## ARTICLE 221.

The Allied and Associated Governments reserve the right to make the repatriation of German prisoners of war or German nationals in their hands conditional upon the immediate notifica-



tion and release by the German Government of any prisoners of war who are nationals of the Allied and Associated Powers and may still be in Germany.

#### ARTICLE 222.

Germany undertakes:

(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their disposal all documents, whether public or private, which would facilitate their enquiries;

(2) To impose penalties upon any German officials or private persons who have concealed the presence of any nationals of any of the Allied and Associated Powers or have neglected to reveal the presence of any such after it had come to their knowledge.

#### ARTICLE 223.

Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities.

#### ARTICLE 224.

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

### SECTION II.

#### GRAVES.

#### ARTICLE 225.

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by an Allied or Associated Government for the purpose of identifying,

registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.

Furthermore they agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

#### ARTICLE 226.

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 225 of the present Treaty.

The Allied and Associated Governments on the one part and the German Government on the other part reciprocally undertake also to furnish to each other:

(1) A complete list of those who have died, together with all information useful for identification;

(2) All information as to the number and position of the graves of all those who have been buried without identification.

## PART VII.

## PENALTIES.

## ARTICLE 227.

The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial.

## ARTICLE 228.

The German Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by

the rank, office or employment which they held under the German authorities.

ARTICLE 229.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 230.

The German Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

PART VIII.  
REPARATION.

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SECTION I.  
GENERAL PROVISIONS.

ARTICLE 231.

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

ARTICLE 232.

The Allied and Associated Governments recognise that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to



November 11, 1918, together with interest at the rate of five per cent. (5%) per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

#### ARTICLE 233.

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine.

#### ARTICLE 234.

The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard,

shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Article 233; but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission.

#### ARTICLE 235.

In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix, during 1919, 1920 and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (c) of Annex II hereto.

#### ARTICLE 236.

Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes, III, IV, V, and VI, relating respectively to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards liquidation of her obligations under the above Articles.

#### ARTICLE 237.

The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions

which have been determined upon by them in advance on a basis of general equity and of the rights of each.

For the purposes of this division the value of property transferred and services rendered under Article 243, and under Annexes III, IV, V, VI, and VII, shall be reckoned in the same manner as cash payments effected in that year.

#### ARTICLE 238.

In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestered, and also restitution of animals, objects of every nature and securities taken away, seized or sequestered, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

Until this procedure is laid down, restitution will continue in accordance with the provisions of the Armistice of November 11, 1918, and its renewals and the Protocols thereto.

#### ARTICLE 239.

The German Government undertakes to make forthwith the restitution contemplated by Article 238 and to make the payments and deliveries contemplated by Articles 233, 234, 235 and 236.

#### ARTICLE 240.

The German Government recognises the Commission provided for by Article 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, and further any information relative to military operations which in the judgment of the Commission may be necessary

for the assessment of Germany's liability for reparation as defined in Annex I.

The German Government will accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers.

Germany further agrees to provide for the salaries and expenses of the Commission and of such staff as it may employ.

#### ARTICLE 241.

Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

#### ARTICLE 242.

The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III and IV of Part X (Economic Clauses) of the present Treaty, nor to the product of their liquidation, except so far as concerns any final balance in favour of Germany under Article 243 (a).

#### ARTICLE 243.

The following shall be reckoned as credits to Germany in respect of her reparation obligations:

(a) Any final balance in favour of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present Treaty;

(b) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (Political Clauses for Europe), Part IX (Financial Clauses), and Part XII (Ports, Waterways and Railways);

(c) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

In no case, however, shall credit be given for property restored in accordance with Article 238 of the present Part.



## ARTICLE 244.

The transfer of the German submarine cables which do not form the subject of particular provisions of the present Treaty is regulated by Annex VII hereto.

## ANNEX I.

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour), wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensation at the date of the coming into force of the present Treaty on the basis of the scales in force in France at such date.

(6) The cost of assistance by the Government of the Allied and Associated Powers to prisoners of war and to their families and dependents.



(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

## ANNEX II.

### 1.

The Commission referred to in Article 233 shall be called "The Reparation Commission" and is hereinafter referred to as "the Commission".

### 2.

Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these Powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

On no occasion shall the Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when ques-

tions relating to damage at sea, and questions arising under Article 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb-Croat-Slovene State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months' notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

## 3.

Such of the other Allied and Associated Powers as may be interested shall have the right to appoint a Delegate to be present and act as Assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

## 4.

In case of the death, resignation or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

## 5.

The Commission will have its principal permanent Bureau in Paris and will hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as it may deem convenient and as may be necessary for the most expeditious discharge of its duties.

## 6.

At its first meeting the Commission shall elect, from among the Delegates referred to above, a Chairman and a Vice-Chairman, who shall hold office for one year and shall be eligible for re-election. If a vacancy in the Chairmanship or Vice-Chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

## 7.

The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of

its functions, and to fix their remuneration; to constitute committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents and committees.

## 8.

All proceedings of the Commission shall be private, unless, on particular occasions, the Commission shall otherwise determine for special reasons.

## 9.

The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, evidence and arguments on the part of Germany on any question connected with her capacity to pay.

## 10.

The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

## 11.

The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

## 12.

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt

with in this Part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:

(a) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(b) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

(c) In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will as provided in Article 235 take from Germany by way of security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes and charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Article 262 of Part IX (Financial Clauses) of the present Treaty as follows:

(1) To be issued forthwith, 20,000,000,000 Marks gold bearer bonds, payable not later than May 1, 1921, without interest. There shall be specially applied towards the amortisation of these bonds the payments which Germany is pledged to make in conformity with Article 235, after deduction of the sums used for the reimbursement of expenses of the armies of occupation and for payment of foodstuffs and raw materials. Such bonds as have



not been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (paragraph 12, c, (2)).

(2) To be issued forthwith, further 40,000,000,000 Marks gold bearer bonds, bearing interest at  $2\frac{1}{2}$  per cent. per annum between 1921 and 1926, and thereafter at 5 per cent. per annum with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

(3) To be delivered forthwith a covering undertaking in writing to issue when, but not until, the Commission is satisfied that Germany can meet such interest and sinking fund obligations, a further instalment of 40,000,000,000 Marks gold 5 per cent. bearer bonds, the time and mode of payment of principal and interest to be determined by the Commission.

The dates for payment of interest, the manner of applying the amortisation fund, and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

(d) In the event of bonds, obligations or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(e) The damage for repairing, reconstructing and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the dates when the work is done.

(f) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.



## 13.

As to voting, the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their Assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

On the following questions unanimity is necessary:

(a) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Germany;

(b) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(c) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive;

(d) Any postponement, total or partial, of any instalment falling due after 1926 for a period exceeding three years;

(e) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case;

(f) Questions of the interpretation of the provisions of this Part of the present Treaty.

All other questions shall be decided by the vote of a majority.

In case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

## 14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

## 15.

The Commission will issue to each of the interested Powers, in such form as the Commission shall fix:

(1) A certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate, on the demand of the Power concerned, being divisible in a number of parts not exceeding five;

(2) From time to time certificates stating the goods delivered by Germany on account of her reparation debt which it holds for the account of the said Power.

The said certificates shall be registered, and upon notice to the Commission, may be transferred by endorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

## 16.

Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 243. The rate of interest shall be 5 per cent. unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

## 17.

In case of default by Germany in the performance of any obligation under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

## 18.

The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany,

and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

## 19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for good being fixed at a fair and just amount by the Commission itself.

## 20.

The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein.

## 21.

No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

## 22.

Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

## 23.

When all the amounts due from Germany and her allies under the present Treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

## ANNEX III.

## I.

Germany recognises the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless, and in spite of the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognised will be enforced on German ships and boats under the following conditions:

The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; in one-quarter, reckoned in tonnage, of the steam trawlers; and in one-quarter, reckoned in tonnage, of the other fishing boats.

## 2.

The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

## 3.

The ships and boats mentioned in paragraph 1 include all ships and boats which (a) fly, or may be entitled to fly, the German merchant flag; or (b) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (c) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

## 4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will

(a) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require;

(b) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

## 5.

As an additional part of reparation, Germany agrees to cause merchant ships to be built in German yards for the account of the Allied and Associated Governments as follows:

(a) Within three months of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in German ship-yards in each of the two years next succeeding the three months mentioned above.

(b) Within two years of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in each of the three years following the two years mentioned above.

(c) The amount of tonnage to be laid down in each year shall not exceed 200,000 tons, gross tonnage.

(d) The specifications of the ships to be built, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building and delivery of the ships, shall be determined by the Commission.

## 6.

Germany undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers, within two months of the coming into force of the present Treaty, in accordance with procedure to be laid down by the Reparation Commission, any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

With a view to make good the loss in inland navigation tonnage, from whatever cause arising, which has been incurred during the



war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Germany agrees to cede to the Reparation Commission a portion of the German river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20 per cent. of the river fleet as it existed on November 11, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Article 339 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

## 7.

Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments.

## 8.

Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent Agreements.

The handing over of the ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement.

## 9.

Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salvaged, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of Germany or of her allies.

## ANNEX IV.

## I.

The Allied and Associated Powers require, and Germany undertakes, that in part satisfaction of her obligations expressed in the present Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers, to the extent that these Powers may determine.

## 2.

The Allied and Associated Governments may file with the Reparation Commission lists showing:

(a) Animals, machinery, equipment, tools and like articles of a commercial character, which have been seized, consumed or destroyed by Germany or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in German territory at the date of the coming into force of the present Treaty;

(b) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window-glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character which the said Governments desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas.

## 3.

The lists relating to the articles mentioned in 2 (a) above shall be filed within sixty days after the date of the coming into force of the present Treaty.

The lists relating to the articles in 2 (b) above shall be filed on or before December 31, 1919.

The lists shall contain all such details as are customary in commercial contracts dealing with the subject matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not price or value, which shall be fixed as hereinafter provided by the Commission.

## 4.

Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Germany. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for German articles, and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganised as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for.

Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Germany unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of thirty per cent. of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the German Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the German Government and to the several interested Allied and Associated Governments.

The German Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given, or are not, in the judgment of the Commission, unfit to be utilised in the work of reparation.

## 5.

The Commission shall determine the value to be attributed to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount

thereof shall be treated as a payment by Germany to be divided in accordance with Article 237 of this Part of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligation of Germany shall be the fair value of work done or materials supplied by Germany, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

## 6.

As an immediate advance on account of the animals referred to in paragraph 2 (a) above, Germany undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty the following quantities of live stock:

### (1) *To the French Government.*

500 stallions (3 to 7 years);  
 30,000 fillies and mares (18 months to 7 years), type: Ardennais, Boulonnais or Belgian;  
 2,000 bulls (18 months to 3 years);  
 90,000 milch cows (2 to 6 years);  
 1,000 rams;  
 100,000 sheep;  
 10,000 goats.

### (2) *To the Belgian Government.*

200 stallions (3 to 7 years), large Belgian type;  
 5,000 mares (3 to 7 years), large Belgian type;  
 5,000 fillies (18 months to 3 years), large Belgian type;  
 2,000 bulls (18 months to 3 years);  
 50,000 milch cows (2 to 6 years);  
 40,000 heifers;  
 200 rams;  
 20,000 sheep;  
 15,000 sows. †

The animals delivered shall be of average health and condition.

To the extent that animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Germany in accordance with paragraph 5 of this Annex.

7.

Without waiting for the decisions of the Commission referred to in paragraph 4 of this Annex to be taken, Germany must continue the delivery to France of the agricultural material referred to in Article III of the renewal dated January 16, 1919, of the Armistice.

ANNEX V.

1.

Germany accords the following options for the delivery of coal and derivatives of coal to the undermentioned signatories of the present Treaty.

2.

Germany undertakes to deliver to France seven million tons of coal per year for ten years. In addition, Germany undertakes to deliver to France annually for a period not exceeding ten years an amount of coal equal to the difference between the annual production before the war of the coal mines of the Nord and Pas de Calais, destroyed as a result of the war, and the production of the mines of the same area during the years in question: such delivery not to exceed twenty million tons in any one year of the first five years, and eight million tons in any one year of the succeeding five years.

It is understood that due diligence will be exercised in the restoration of the destroyed mines in the Nord and the Pas de Calais.

3.

Germany undertakes to deliver to Belgium eight million tons of coal annually for ten years.



## 4.

Germany undertakes to deliver to Italy up to the following quantities of coal:

July 1919 to June 1920.....	4½ million tons,
— 1920 — 1921.....	6 —
— 1921 — 1922.....	7½ —
— 1922 — 1923.....	8 —
— 1923 — 1924.....	8½ —
and each of the following five years.....	—

At least two-thirds of the actual deliveries to be land-borne.

## 5.

Germany further undertakes to deliver annually to Luxemburg, if directed by the Reparation Commission, a quantity of coal equal to the pre-war annual consumption of German coal in Luxemburg.

## 6.

The prices to be paid for coal delivered under these options shall be as follows:

(a) For overland delivery, including delivery by barge, the German pithead price to German nationals, plus the freight to French, Belgian, Italian or Luxemburg frontiers, provided that the pithead price does not exceed the pithead price of British coal for export. In the case of Belgian bunker coal, the price shall not exceed the Dutch bunker price.

Railroad and barge tariffs shall not be higher than the lowest similar rates paid in Germany.

(b) For sea delivery, the German export price f. o. b. German ports, or the British export price f. o. b. British ports, whichever may be lower.

## 7.

The Allied and Associated Governments interested may demand the delivery, in place of coal, of metallurgical coke in the proportion of 3 tons of coke to 4 tons of coal.

## 8.

Germany undertakes to deliver to France, and to transport to the French frontier by rail or by water, the following products,

during each of the three years following the coming into force of this Treaty:

Benzol.....	35,000 tons.
Coal tar.....	50,000 tons.
Sulphate of ammonia.....	30,000 tons.

All or part of the coal tar may, at the option of the French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphthalene or pitch.

9.

The price paid for coke and for the articles referred to in the preceding paragraph shall be the same as the price paid by German nationals under the same conditions of shipment to the French frontier or to the German ports, and shall be subject to any advantages which may be accorded similar products furnished to German nationals.

10.

The foregoing options shall be exercised through the intervention of the Reparation Commission, which, subject to the specific provisions hereof, shall have power to determine all questions relative to procedure and the qualities and quantities of products, the quantity of coke which may be substituted for coal, and the times and modes of delivery and payment. In giving notice to the German Government of the foregoing options the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of this Treaty and January 1, 1920. Until Germany has received the demands referred to in this paragraph, the provisions of the Protocol of December 25, 1918, (Execution of Article VI of the Armistice of November 11, 1918) remain in force. The notice to be given to the German Government of the exercise of the right of substitution accorded by paragraphs 7 and 8 shall be such as the Reparation Commission may consider sufficient. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the Commission is authorised to postpone or

to cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

## ANNEX VI.

### 1.

Germany accords to the Reparation Commission an option to require as part of reparation the delivery by Germany of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50 per cent. of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the present Treaty.

This option shall be exercised within sixty days of the receipt by the Commission of such particulars as to stocks as may be considered necessary by the Commission.

### 2.

Germany further accords to the Reparation Commission an option to require delivery during the period from the date of the coming into force of the present Treaty until January 1, 1920, and during each period of six months thereafter until January 1, 1925, of any specified kind of dyestuff and chemical drug up to an amount not exceeding 25 per cent. of the German production of such dyestuffs and chemical drugs during the previous six months period. If in any case the production during such previous six months was, in the opinion of the Commission, less than normal, the amount required may be 25 per cent. of the normal production.

Such option shall be exercised within four weeks after the receipt of such particulars as to production and in such form as may be considered necessary by the Commission; these particulars shall be furnished by the German Government immediately after the expiration of each six months period.

### 3.

For dyestuffs and chemical drugs delivered under paragraph 1, the price shall be fixed by the Commission having regard to pre-war net export prices and to subsequent increases of cost.

For dyestuffs and chemical drugs delivered under paragraph 2, the price shall be fixed by the Commission having regard to pre-

war net export prices and subsequent variations of cost, or the lowest net selling price of similar dyestuffs and chemical drugs to any other purchaser.

## 4.

All details, including mode and times of exercising the options, and making delivery, and all other questions arising under this arrangement shall be determined by the Reparation Commission; the German Government will furnish to the Commission all necessary information and other assistance which it may require.

## 5.

The above expression "dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing, so far as they are manufactured for sale. The present arrangement shall also apply to cinchona bark and salts of quinine.

## ANNEX VII.

Germany renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature in the submarine cables set out below, or in any portions thereof:

Emden-Vigo: from the Straits of Dover to off Vigo;  
 Emden-Brest: from off Cherbourg to Brest;  
 Emden-Teneriffe: from off Dunkirk to off Teneriffe;  
 Emden-Azores (1): from the Straits of Dover to Fayal;  
 Emden-Azores (2): from the Straits of Dover to Fayal;  
 Azores-New York (1): from Fayal to New York;  
 Azores-New York (2): from Fayal to the longitude of Halifax,  
 Teneriffe-Monrovia: from off Teneriffe to off Monrovia;  
 Monrovia-Lome:

from about.....	{	lat. :2° 30' N.;
		long. :7° 40' W. of Greenwich;
to about.....	{	lat. :2° 20' N.;
		long. :5° 30' W. of Greenwich;
and from about.....	{	lat. :3° 48' N.;
		long. :0° 00',
to Lome;		

- Lome-Duala: from Lome to Duala;
- Monrovia-Pernambuco: from off Monrovia to off Pernambuco;
- Constantinople-Constanza: from Constantinople to Constanza;
- Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): from Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado.

The value of the above mentioned cables or portions thereof in so far as they are privately owned, calculated on the basis of the original cost less a suitable allowance for depreciation, shall be credited to Germany in the reparation account.

## SECTION II.

### SPECIAL PROVISIONS.

#### ARTICLE 245.

Within six months after the coming into force of the present Treaty the German Government must restore to the French Government the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870-1871 and during this last war, in accordance with a list which will be communicated to it by the French Government; particularly the French flags taken in the course of the war of 1870-1871 and all the political papers taken by the German authorities on October 10, 1870, at the chateau of Cerçay, near Brunoy (Seine-et-Oise) belonging at the time to Mr. Rouher, formerly Minister of State.

#### ARTICLE 246.

Within six months from the coming into force of the present Treaty, Germany will restore to His Majesty the King of the Hedjaz the original Koran of the Caliph Othman, which was removed from Medina by the Turkish authorities and is stated to have been presented to the ex-Emperor William II.

Within the same period Germany will hand over to His Britannic Majesty's Government the skull of the Sultan Mkwawa which was removed from the Protectorate of German East Africa and taken to Germany.



The delivery of the articles above referred to will be effected in such place and in such conditions as may be laid down by the Governments to which they are to be restored.

#### ARTICLE 247.

Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain. All details regarding such replacement will be determined by the Reparation Commission.

Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of the present Treaty, in order to enable Belgium to reconstitute two great artistic works:

(1) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum;

(2) The leaves of the triptych of the Last Supper, painted by Dierick Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the Old Pinakothek at Munich.

PART IX.  
FINANCIAL CLAUSES.

ARTICLE 248.

Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

ARTICLE 249.

There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the Armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territories shall be paid by the German Government to the Allied and Associated Governments

in marks at the current or agreed rate of exchange. All other of the above costs shall be paid in gold marks.

#### ARTICLE 250.

Germany confirms the surrender of all material handed over to the Allied and Associated Powers in accordance with the Armistice of November 11, 1918, and subsequent Armistice Agreements, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to the German Government, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, referred to in Article 233 of Part VIII (Reparation), of the present Treaty, of the material handed over in accordance with Article VII of the Armistice of November 11, 1918, or Article III of the Armistice Agreement of January 16, 1919, as well as of any other material handed over in accordance with the Armistice of November 11, 1918, and of subsequent Armistice Agreements, for which, as having non-military value, credit should in the judgment of the Reparation Commission be allowed to the German Government.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to the German Government.

#### ARTICLE 251.

The priority of the charges established by Article 248 shall, subject to the qualifications made below, be as follows:

- (a) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions;
- (b) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present Treaty;
- (c) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;
- (d) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the

Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

#### ARTICLE 252.

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

#### ARTICLE 253.

Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

#### ARTICLE 254.

The Powers to which German territory is ceded shall, subject to the qualifications made in Article 255, undertake to pay:

- (1) A portion of the debt of the German Empire as it stood on August 1, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the ceded territory, and the average for the same years of such revenues of the whole German Empire as in the judgment of the Reparation Commission are best calculated to represent the relative ability of the respective territories to make payment;
- (2) A portion of the debt as it stood on August 1, 1914, of the German State to which the ceded territory belonged, to be determined in accordance with the principle stated above.

Such portions shall be determined by the Reparation Commission.

The method of discharging the obligation, both in respect of capital and of interest, so assumed shall be fixed by the Reparation Commission. Such method may take the form, *inter alia*, of the assumption by the Power to which the territory is ceded of Germany's liability for the German debt held by her nationals. But in the event of the method adopted involving any payments to the German Government, such payments shall be transferred to the Reparation Commission on account of the sums due for reparation so long as any balance in respect of such sums remains unpaid.

#### ARTICLE 255.

(1) As an exception to the above provision and inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France shall be, in respect of Alsace-Lorraine, exempt from any payment under Article 254.

(2) In the case of Poland that portion of the debt which, in the opinion of the Reparation Commission, is attributable to the measures taken by the German and Prussian Governments for the German colonisation of Poland shall be excluded from the apportionment to be made under Article 254.

(3) In the case of all ceded territories other than Alsace-Lorraine, that portion of the debt of the German Empire or German States which, in the opinion of the Reparation Commission, represents expenditure by the Governments of the German Empire or States upon the Government properties referred to in Article 256 shall be excluded from the apportionment to be made under Article 254.

#### ARTICLE 256.

Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire or to the German States, and the value of such acquisitions shall be fixed by the Reparation Commission, and paid by the State acquiring the territory to the Reparation Commission for the credit of the German Government on account of the sums due for reparation.

For the purposes of this Article the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.



In view of the terms on which Alsace-Lorraine was ceded to Germany in 1871, France shall be exempt in respect thereof from making any payment or credit under this Article for any property or possessions of the German Empire or States situated therein.

Belgium also shall be exempt from making any payment or any credit under this Article for any property or possessions of the German Empire or States situated in German territory ceded to Belgium under the present Treaty.

#### ARTICLE 257.

In the case of the former German territories, including colonies, protectorates or dependencies, administered by a Mandatory under Article 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

For the purposes of this Article the property and possessions of the German Empire and of the German States shall be deemed to include all the property of the Crown, the Empire or the States and the private property of the former German Emperor and other Royal personages.

#### ARTICLE 258.

Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies or other financial or economic organisations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

#### ARTICLE 259.

(1) Germany agrees to deliver within one month from the date of the coming into force of the present Treaty, to such

authority as the Principal Allied and Associated Powers may designate, the sum in gold which was to be deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

(2) Germany recognises her obligation to make annually for the period of twelve years the payments in gold for which provision is made in the German Treasury Bonds deposited by her from time to time in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.

(3) Germany undertakes to deliver, within one month from the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the gold deposit constituted in the Reichsbank or elsewhere, representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

(4) Germany agrees to transfer to the Principal Allied and Associated Powers any title that she may have to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish Internal Loan.

(5) Germany undertakes to transfer to the Principal Allied and Associated Powers, within a period of one month from the coming into force of the present Treaty, any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government.

(6) Without prejudice to Article 292 of Part X (Economic Clauses) of the present Treaty, Germany confirms the renunciation provided for in Article XV of the Armistice of November 11, 1918, of any benefit disclosed by the Treaties of Bucharest and of Brest-Litovsk and by the treaties supplementary thereto.

Germany undertakes to transfer, either to Roumania or to the Principal Allied and Associated Powers as the case may be, all monetary instruments, specie, securities and negotiable instruments, or goods, which she has received under the aforesaid Treaties.

(7) The sums of money and all securities, instruments and goods of whatsoever nature, to be delivered, paid and transferred

under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

#### ARTICLE 260.

Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may within one year from the coming into force of the present Treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of these States or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any Power or to be administered by a Mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission.

Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the German Government shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

#### ARTICLE 261.

Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfilment of undertakings made by Germany during the war to those Governments.

## ARTICLE 262.

Any monetary obligation due by Germany arising out of the present Treaty and expressed in terms of gold marks shall be payable at the option of the creditors in pounds sterling payable in London; gold dollars of the United States of America payable in New York; gold francs payable in Paris; or gold lire payable in Rome.

For the purpose of this Article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

## ARTICLE 263.

Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the State of Sao Paulo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany having prevented the transfer of the sums in question to the State of Sao Paulo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

PART X.  
ECONOMIC CLAUSES.

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SECTION I.  
COMMERCIAL RELATIONS.

CHAPTER I.  
CUSTOMS REGULATIONS, DUTIES AND RESTRICTIONS.

ARTICLE 264.

Germany undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into German territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Germany will not maintain or impose any prohibition or restriction on the importation into German territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

ARTICLE 265.

Germany further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.



## ARTICLE 266.

In all that concerns exportation Germany undertakes that goods, natural products or manufactured articles, exported from German territory to the territories of any one of the Allied or Associated States shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

Germany will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

## ARTICLE 267.

Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

## ARTICLE 268.

The provisions of Articles 264 to 267 inclusive of this Chapter and of Article 323 of Part XII (Ports, Waterways and Railways) of the present Treaty are subject to the following exceptions:

(a) For a period of five years from the coming into force of the present Treaty, natural or manufactured products which both originate in and come from the territories of Alsace and Lorraine reunited to France shall, on importation into German customs territory, be exempt from all customs duty.

The French Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

Further, during the period above mentioned the German Government shall allow the free export from Germany, and the

free re-importation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories of Alsace or Lorraine, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerisation, gassing, twisting or dressing.

(b) During a period of three years from the coming into force of the present Treaty natural or manufactured products which both originate in and come from Polish territories which before the war were part of Germany shall, on importation into German customs territory, be exempt from all customs duty.

The Polish Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

(c) The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for a period of five years from the coming into force of the present Treaty.

The nature and amount of the products which shall enjoy the benefits of this régime shall be communicated each year to the German Government.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911-1913.

#### ARTICLE 269.

During the first six months after the coming into force of the present Treaty, the duties imposed by Germany on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into Germany on July 31, 1914.

During a further period of thirty months after the expiration of the first six months, this provision shall continue to be applied exclusively with regard to products which, being comprised in

Section A of the First Category of the German Customs Tariff of December 25, 1902, enjoyed at the above-mentioned date (July 31, 1914) rates conventionalised by treaties with the Allied and Associated Powers, with the addition of all kinds of wine and vegetable oils, of artificial silk and of washed or scoured wool, whether or not they were the subject of special conventions before July 31, 1914.

#### ARTICLE 270.

The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories.

### CHAPTER II.

#### SHIPPING.

#### ARTICLE 271.

As regards sea fishing, maritime coasting trade, and maritime towage, vessels of the Allied and Associated Powers shall enjoy, in German territorial waters, the treatment accorded to vessels of the most favoured nation.

#### ARTICLE 272.

Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing-boats of the Allied Powers, be exercised solely by ships belonging to those Powers.

#### ARTICLE 273.

In the case of vessels of the Allied or Associated Powers, all classes of certificates or documents relating to the vessel, which were recognised as valid by Germany before the war, or which may hereafter be recognised as valid by the principal maritime States, shall be recognised by Germany as valid and as equivalent to the corresponding certificates issued to German vessels.

A similar recognition shall be accorded to the certificates and documents issued to their vessels by the Governments of new

States, whether they have a sea-coast or not, provided that such certificates and documents shall be issued in conformity with the general practice observed in the principal maritime States.

The High Contracting Parties agree to recognise the flag flown by the vessels of an Allied or Associated Power having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

### CHAPTER III

#### UNFAIR COMPETITION.

##### ARTICLE 274.

Germany undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

Germany undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in its territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or description whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature, or special characteristics of such goods.

##### ARTICLE 275.

Germany undertakes on condition that reciprocity is accorded in these matters to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by the German Government and repressed by the measures prescribed in the preceding Article.



## CHAPTER IV.

## TREATMENT OF NATIONALS OF ALLIED AND ASSOCIATED POWERS.

## ARTICLE 276.

Germany undertakes:

(a) Not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade and industry, which shall not be equally applicable to all aliens without exception;

(b) Not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (a) to any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

(c) Not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

(d) Not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers unless such restriction is likewise imposed on her own nationals.

## ARTICLE 277.

The nationals of the Allied and Associated Powers shall enjoy in German territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

## ARTICLE 278.

Germany undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.



## ARTICLE 279.

The Allied and Associated Powers may appoint consuls-general, consuls, vice-consuls, and consular agents in German towns and ports. Germany undertakes to approve the designation of the consuls-general, consuls, vice-consuls, and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

## CHAPTER V.

## GENERAL ARTICLES.

## ARTICLE 280.

The obligations imposed on Germany by Chapter I and by Articles 271 and 272 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 276 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

## ARTICLE 281.

If the German Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

## SECTION II.

## TREATIES.

## ARTICLE 282.

From the coming into force of the present Treaty and subject to the provisions thereof the multilateral treaties, conventions

and agreements of an economic or technical character enumerated below and in the subsequent Articles shall alone be applied as between Germany and those of the Allied and Associated Powers party thereto:

(1) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

(2) Convention of October 11, 1909, regarding the international circulation of motor-cars.

(3) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907:

(4) Agreement of May 15, 1886, regarding the technical standardisation of railways.

(5) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

(6) Convention of December 31, 1913, regarding the unification of commercial statistics.

(7) Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

(8) Convention of March 14, 1857, for the redemption of toll dues on the Sound and Belts.

(9) Convention of June 22, 1861, for the redemption of the Stade Toll on the Elbe.

(10) Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt.

(11) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

(12) Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

(13) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

(14) Convention of February 4, 1898, regarding the tonnage measurement of vessels for inland navigation.

(15) Convention of September 26, 1906, for the suppression of nightwork for women.

(16) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

(17) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

(18) Convention of May 4, 1910, regarding the suppression of obscene publications.

(19) Sanitary Conventions of January 30, 1892, April 15, 1893, April 3, 1894, March 19, 1897, and December 3, 1903.

(20) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

(21) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

(22) Convention of November 16 and 19, 1885, regarding the establishment of a concert pitch.

(23) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

(24) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

(25) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

(26) Convention of June 12, 1902, as to the protection of minors.

#### ARTICLE 283.

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, on condition that the special stipulations contained in this Article are fulfilled by Germany.

##### *Postal Conventions:*

Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

##### *Telegraphic Conventions:*

International Telegraphic Conventions signed at St. Petersburg July 10, 22, 1875.

Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

Germany undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the conventions and agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

#### ARTICLE 284.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, on condition that Germany fulfils the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of the Convention of July 5, 1912, this new convention shall bind Germany, even if Germany should refuse either to take part in drawing up the convention, or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

#### ARTICLE 285.

From the coming into force of the present Treaty, the High Contracting Parties shall apply in so far as concerns them and under the conditions stipulated in Article 272, the conventions hereinafter mentioned:

(1) The Conventions of May 6, 1882, and February 1, 1889, regulating the fisheries in the North Sea outside territorial waters.

(2) The Conventions and Protocols of November 16, 1887, February 14, 1893, and April 11, 1894, regarding the North Sea liquor traffic.

#### ARTICLE 286.

The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911; and the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Berne on March 20, 1914,

will again come into effect as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

#### ARTICLE 287.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the Convention of the Hague of July 17, 1905, relating to civil procedure. This renewal, however, will not apply to France, Portugal and Roumania.

#### ARTICLE 288.

The special rights and privileges granted to Germany by Article 3 of the Convention of December 2, 1899, relating to Samoa shall be considered to have terminated on August 4, 1914.

#### ARTICLE 289.

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral treaties and conventions which have been the subject of such a notification shall be revived between the



Allied and Associated Powers and Germany; all the others are and shall remain abrogated.

The above regulations apply to all bilateral treaties or conventions existing between all the Allied and Associated Powers signatories to the present Treaty and Germany, even if the said Allied and Associated Powers have not been in a state of war with Germany.

#### ARTICLE 290.

Germany recognises that all the treaties, conventions or agreements which she has concluded with Austria, Hungary, Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are and remain abrogated by the present Treaty.

#### ARTICLE 291.

Germany undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she may have granted to Austria, Hungary, Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements remain in force.

The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

#### ARTICLE 292.

Germany recognises that all treaties, conventions or arrangements which she concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before August 1, 1914, or after that date until coming into force of the present Treaty, are and remain abrogated.

#### ARTICLE 293.

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public au-

thority, concessions, privileges and favours of any kind to Germany or to a German national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

#### ARTICLE 294.

From the coming into force of the present Treaty Germany undertakes to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions, or arrangements to nonbelligerent States or their nationals since August 1, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements remain in force.

#### ARTICLE 295.

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

## SECTION III.

## DEBTS.

## ARTICLE 296.

There shall be settled through the intervention of clearing offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (e) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (d), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

(a) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard

to the settlement of the said debts otherwise than through the Clearing Offices;

(b) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form part;

(c) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor;

(d) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of new States the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII (Reparation);

(e) The provisions of this Article and of the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of



the ratification on behalf of such Dominion or of India, notice to that effect is given to Germany by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be;

(f) The Allied and Associated Powers who have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and German nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

## ANNEX.

### I.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (e), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

### 2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 296 are described "as enemy debts", the persons from whom the same are due as "enemy debtors", the persons to whom they are due as "enemy creditors", the Clearing Office in the country of the creditor is called the "Creditor Clearing Office", and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office."

### 3.

The High Contracting Parties will subject contraventions of paragraph (a) of Article 296 to the same penalties as are at present provided by their legislation for trading with the enemy.



They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (b) of Article 296 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the clearing office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

II.

The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13.

Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article 296, paragraph (b), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

## 16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

## 17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

## 18.

Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

## 19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

## 20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit

against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

## 21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

## 22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum except in cases where, by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.



Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

## 23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 296, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

## 24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

## 25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex, intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

## SECTION IV.

## PROPERTY, RIGHTS AND INTERESTS.

## ARTICLE 297.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals of

Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

(b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German ~~man~~ owners shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

(c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in

this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an Arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (e) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (e) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (e) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(g) The rights conferred by paragraph (f) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in Article 243.

In the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 and 260, be paid direct to the owner. If on the application of that owner, the Mixed Arbitral Tribunal, provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.



(i) Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights and interests of the nationals of the Allied or Associated Powers from November 11, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

#### ARTICLE 298.

Germany undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (a) or (f):

(a) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war;

(b) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

#### ANNEX.

##### I.

In accordance with the provisions of Article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as



having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

## 2.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or Department of the Government of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

## 3.

In Article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

## 4.

All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made

by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

## 5.

Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under German war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

## 6.

Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

## 7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 297, paragraph (f).

## 8.

The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have

been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

## 9.

Until completion of the liquidation provided for by Article 297, paragraph (b), the property, rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

## 10.

Germany will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of German nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

## 11.

The expression "cash assets" includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

## 12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies



and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

## 13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts; vouchers, records, documents and information of any kind which may be within German territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

## 14.

The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.



## 15.

The provisions of Article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (b).

## SECTION V.

## CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

## ARTICLE 299.

(a) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(b) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(c) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 300, nor the Annex hereto shall apply to contracts made between nationals of these States and German nationals; nor shall Article 305 apply to the United States of America or its nationals.

(d) The present Article and the annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present

Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(e) Nothing in the present Article or the annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

#### ARTICLE 300.

(a) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(c) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (b), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

(d) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract

itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (c.)

(e) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

(f) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(g) As regards negotiable instruments, the period of three months provided under paragraph (a) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

#### ARTICLE 301.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

#### ARTICLE 302.

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are

competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect to any dispute which may have arisen has been given during the war by a German Court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above-mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the German Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

#### ARTICLE 303.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

#### ANNEX.

##### I. *General Provisions.*

###### I.

Within the meaning of Articles 299, 300 and 301, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise become unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.



## 2.

The following classes of contracts are excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (b) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

(a) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(b) Leases and agreements for leases of land and houses;

(c) Contracts of mortgage, pledge or lien;

(d) Concessions concerning mines, quarries or deposits;

(e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

## 3.

If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

## II. *Provisions relating to certain classes of Contracts.*

### *Stock Exchange and Commercial Exchange Contracts.*

## 4.

(a) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:



(1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;

(2) That the rules applied to all persons concerned;

(3) That the conditions attaching to the closure were fair and reasonable.

(b) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(c) The closure of contracts relating to cotton "futures", which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

### *Security.*

#### 5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

### *Negotiable Instruments.*

#### 6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

#### 7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

### III. *Contracts of Insurance.*

#### 8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

#### *Fire Insurance.*

#### 9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war, or of claims for losses which occurred during the war.

#### 10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

#### *Life Insurance.*

#### 11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed

to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at five per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the person entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at five per cent. per annum within three months from the coming into force of the present Treaty.

## 12.

Any Allied or Associated Power may within three months of the coming into force of the present Treaty cancel all the contracts of insurance running between a German insurance company and its nationals under conditions which shall protect its nationals from any prejudice.

To this end the German insurance company will hand over to the Allied or Associated Government concerned the proportion of its assets attributable to the policies so cancelled and will be relieved from all liability in respect of such policies. The assets to be handed over shall be determined by an actuary appointed by the Mixed Arbitral Tribunal.

## 13.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be en-

titled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

## 14.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled where the giving of such notice was prevented by the war to recover the unpaid premiums with interest at five per cent. per annum from the insured.

## 15.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

*Marine Insurance.*

## 16.

Contracts of marine insurance including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such

interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

## 17.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

## 18.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

*Other Insurances.*

## 19.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

*Re-insurance.*

## 20.

All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in



force until three months after the coming into force of the present Treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

#### 21.

The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

#### 22.

Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

The provisions of paragraph 12 apply to treaties of re-insurance of life insurance contracts in which enemy companies are the re-insurers.

#### 23.

In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

#### 24.

The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

## SECTION VI.

## MIXED ARBITRAL TRIBUNAL.

## ARTICLE 304.

(a) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(b) The Mixed Arbitral Tribunals established pursuant to paragraph (a), shall decide all questions within their competence under Sections III, IV, V and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(d) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(e) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

## ANNEX.

### 1.

Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his function, the same procedure will be followed for filling the vacancy as was followed for appointing him.

### 2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

### 3.

The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

Germany agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

#### ARTICLE 305.

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German court.

## SECTION VII.

## INDUSTRIAL PROPERTY.

## ARTICLE 306.

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph I of this Article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary or artistic property belonging to the



nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (b).

#### ARTICLE 307.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High

Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to German nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

#### ARTICLE 308.

The rights of priority, provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911 or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs and models which had not expired on August 1, 1914, and those which have arisen during the war, or would

have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bonâ fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

#### ARTICLE 309.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 307 and 308.

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an indus-

trial or commercial establishment in the districts occupied by Germany during the war.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

#### ARTICLE 310.

Licenses in respect of industrial, literary or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and German nationals, on the other part, shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new license, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licenses held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No license in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any license entered into before the war, but shall remain valid and of full effect, and a license so granted to the former beneficiary of a license entered into before the war shall be considered as substituted for such license.

Where sums have been paid during the war by virtue of a license or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.



## ARTICLE 311.

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and the change of nationality consequent thereon, continue to enjoy in Germany all the rights in industrial, literary and artistic property to which they were entitled under German legislation at the time of the separation.

Rights of industrial, literary, and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany, or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognised by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

## SECTION VIII.

## SOCIAL AND STATE INSURANCE IN CEDED TERRITORY.

## ARTICLE 312.

Without prejudice to the provisions contained in other Articles of the present Treaty, the German Government undertakes to transfer to any Power to which German territory in Europe is ceded, and to any Power administering former German territory as a mandatory under Article 22 of Part I (League of Nations), such portion of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are transferred must apply them to the performance of the obligations arising from such insurances.

The conditions of the transfer will be determined by special conventions to be concluded between the German Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the



coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote, within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Germany and the other Government concerned.

PART XI.  
AERIAL NAVIGATION.

ARTICLE 313.

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Germany, and shall enjoy the same privileges as German aircraft, particularly in case of distress by land or sea.

ARTICLE 314.

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory and territorial waters of Germany without landing, subject always to any regulations which may be made by Germany, and which shall be applicable equally to the aircraft of Germany and to those of the Allied and Associated countries.

ARTICLE 315.

All aerodromes in Germany open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with German aircraft as regards charges of every description, including charges for landing and accommodation.

ARTICLE 316.

Subject to the present provisions, the rights of passage, transit and landing, provided for in Articles 313, 314 and 315, are subject to the observance of such regulations as Germany may consider it necessary to enact, but such regulations shall be applied without distinction to German aircraft and to those of the Allied and Associated countries.

## ARTICLE 317.

Certificate of nationality, airworthiness, or competency, and licences, issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Germany as valid and as equivalent to the certificates and licences issued by Germany.

## ARTICLE 318.

As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Germany most favoured nation treatment.

## ARTICLE 319.

Germany undertakes to enforce the necessary measures to ensure that all German aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

## ARTICLE 320.

The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Germany shall have been admitted into the League of Nations or shall have been authorised, by consent of the Allied and Associated Powers, to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

PART XII.  
PORTS, WATERWAYS AND RAILWAYS.

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SECTION I.  
GENERAL PROVISIONS.

ARTICLE 321.

Germany undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed. Such persons, goods, vessels, carriages, wagons, and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and shall be entitled in Germany to national treatment as regards charges, facilities, and all other matters.

Goods in transit shall be exempt from all Customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

ARTICLE 322.

Germany undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any

part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

#### ARTICLE 323.

Germany undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories, based on the frontier crossed; or on the kind, ownership or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of trans-shipment on the journey; or on whether any port through which the goods are imported or exported is a German port or a port belonging to any foreign country or on whether the goods are imported or exported by sea, by land or by air.

Germany particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export, or import by German ports or vessels, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through a German port or a port of any other Power, or used a German vessel or a vessel of any other Power.

#### ARTICLE 324.

All necessary administrative and technical measures shall be taken to shorten, as much as possible, the transmission of goods across the German frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the



same kind carried on German territory under similar conditions of transport.

In particular, the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

#### ARTICLE 325.

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or of any port of another Power.

#### ARTICLE 326.

Germany may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Germany to her own ports or the ports of any other Power.

### SECTION II.

### NAVIGATION.

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#### CHAPTER I.

#### FREEDOM OF NAVIGATION.

#### ARTICLE 327.

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all German ports and on the inland navigation routes of Germany the same treatment in all respects as German nationals, vessels and property.

In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in German territory to which German vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and

charges of every description, including facilities for stationing, loading, and unloading, and duties and charges of tonnage, harbour, pilotage, light-house, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

In the event of Germany granting a preferential régime to any of the Allied or Associated Powers or to any other foreign Power, this régime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration, and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

## CHAPTER II.

### FREE ZONES IN PORTS.

#### ARTICLE 328.

The free zones existing in German ports on August 1, 1914, shall be maintained. These free zones, and any other free zones which may be established in German territory by the present Treaty, shall be subject to the régime provided for in the following Articles.

Goods entering or leaving a free zone shall not be subjected to any import or export duty, other than those provided for in Article 330.

Vessels and goods entering a free zone may be subjected to the charges established to cover expenses of administration, upkeep and improvement of the port, as well as to the charges for the use of various installations, provided that these charges shall be reasonable having regard to the expenditure incurred, and shall be levied in the conditions of equality provided for in Article 327.

Goods shall not be subjected to any other charge except a statistical duty which shall not exceed 1 mille *ad valorem*, and which shall be devoted exclusively to defraying the expenses of compiling statements of the traffic in the port.

## ARTICLE 329.

The facilities granted for the erection of warehouses, for packing and for unpacking goods, shall be in accordance with trade requirements for the time being. All goods allowed to be consumed in the free zone shall be exempt from duty, whether of excise or of any other description, apart from the statistical duty provided for in Article 328 above.

There shall be no discrimination in regard to any of the provisions of the present Article between persons belonging to different nationalities or between goods of different origin or destination.

## ARTICLE 330.

Import duties may be levied on goods leaving the free zone for consumption in the country on the territory of which the port is situated. Conversely, export duties may be levied on goods coming from such country and brought into the free zone. These import and export duties shall be levied on the same basis and at the same rates as similar duties levied at the other Customs frontiers of the country concerned. On the other hand, Germany shall not levy, under any denomination, any import, export or transit duty on goods carried by land or water across her territory to or from the free zone from or to any other State.

Germany shall draw up the necessary regulations to secure and guarantee such freedom of transit over such railways and waterways in her territory as normally give access to the free zone.

## CHAPTER III.

CLAUSES RELATING TO THE ELBE, THE ODER, THE NIEMEN (RUSS-STROM-MEMEL-NIEMEN) AND THE DANUBE.

(1) *General Courses.*

## ARTICLE 331.

The following rivers are declared international:

the Elbe (*Labe*) from its confluence with the Vltava (*Moldau*), and the Vltava (*Moldau*) from Prague;

the Oder (*Odra*) from its confluence with the Oppa;

the Niemen (*Russstrom-Memel-Niemen*) from Grodno;  
the Danube from Ulm;

and all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transhipment from one vessel to another; together with lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river.

The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed under the conditions laid down in Article 353.

#### ARTICLE 332.

On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made to the detriment of the nationals, property or flag of any Power between them and the nationals, property or flag of the riparian State itself or of the most favoured nation.

Nevertheless, German vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power, without special authority from such Power.

#### ARTICLE 333.

Where such charges are not precluded by any existing conventions, charges varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition, or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

#### ARTICLE 334.

The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

When the two banks of an international river are within the same State goods in transit may be placed under seal or in the custody of customs agents. When the river forms a frontier goods and passengers in transit shall be exempt from all customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

#### ARTICLE 335.

No dues of any kind other than those provided for in the present Part shall be levied along the course or at the mouth of these rivers.

This provision shall not prevent the fixing by the riparian States of customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses, etc.

#### ARTICLE 336.

In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the League of Nations.

#### ARTICLE 337.

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Com-



mission, if there is one, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the League of Nations does not require the suspension of the works.

#### ARTICLE 338.

The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said General Convention as well as to all projects prepared in accordance with Article 343 below for the revision of existing international agreements and regulations.

#### ARTICLE 339.

Germany shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 after the deduction of those surrendered by way of restitution or reparation. Germany shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of those river systems.

The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the

arbitrator or arbitrators, shall not in any case exceed the value of the capital expended in the initial establishment of the material ceded, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

(2) *Special Clauses relating to the Elbe, the Oder and the Niemen (Russstrom-Memel-Niemen).*

ARTICLE 340.

The Elbe (*Labe*) shall be placed under the administration of an International Commission which shall comprise:

- 4 representatives of the German States bordering on the river;
- 2 representatives of the Czecho-Slovak State;
- 1 representative of Great Britain;
- 1 representative of France;
- 1 representative of Italy;
- 1 representative of Belgium.

Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 341.

The Oder (*Odra*) shall be placed under the administration of an International Commission, which shall comprise:

- 1 representative of Poland;
- 3 representatives of Prussia;
- 1 representative of the Czecho-Slovak State;
- 1 representative of Great Britain;
- 1 representative of France;
- 1 representative of Denmark;
- 1 representative of Sweden.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

## ARTICLE 342.

On a request being made to the League of Nations by any riparian State, the Niemen (*Russstrom-Memel-Niemen*) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations.

## ARTICLE 343.

The International Commissions referred to in Articles 340 and 342 shall meet within three months of the date of the coming into force of the present Treaty. The International Commission referred to in Article 342 shall meet within three months from the date of the request made by a riparian State. Each of these Commissions shall proceed immediately to prepare a project for the revision of the existing international agreements and regulations, drawn up in conformity with the General Convention referred to in Article 338, should such Convention have been already concluded. In the absence of such Convention, the project for revision shall be in conformity with the principles of Articles 332 to 337 above.

## ARTICLE 344.

The projects referred to in the preceding Article shall, *inter alia*:

- (a) designate the headquarters of the International Commission, and prescribe the manner in which its President is to be nominated;
- (b) specify the extent of the Commission's powers, particularly in regard to the execution of works of maintenance, control, and improvement on the river system, the financial régime, the fixing and collection of charges, and regulations for navigation;
- (c) define the sections of the river or its tributaries to which the international régime shall be applied.

## ARTICLE 345.

The international agreements and regulations at present governing the navigation of the Elbe (*Labe*), the Oder (*Odra*), and the Niemen (*Russstrom-Memel-Niemen*) shall be provisionally maintained in force until the ratification of the above-mentioned projects. Nevertheless, in all cases where such agreements and regu-

lations in force are in conflict with the provisions of Articles 332 to 337 above, or of the General Convention to be concluded, the latter provisions shall prevail.

(3) *Special Clauses relating to the Danube.*

ARTICLE 346.

The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

ARTICLE 347.

From the point where the competence of the European Commission ceases, the Danube system referred to in Article 331 shall be placed under the administration of an International Commission composed as follows:

2 representatives of German riparian States;

1 representative of each other riparian State;

1 representative of each non-riparian State represented in the future on the European Commission of the Danube.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 348.

The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of Articles 332 to 337, until such time as a definitive statute regarding the Danube is concluded by the Powers dominated by the Allied and Associated Powers.

ARTICLE 349.

Germany agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year

after the coming into force of the present Treaty, and at which German representatives may be present.

#### ARTICLE 350.

The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878, to Austria-Hungary, and transferred by her to Hungary, to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

#### ARTICLE 351.

Should the Czecho-Slovak State, the Serb-Croat-Slovene State or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

#### ARTICLE 352.

Germany shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

#### ARTICLE 353.

Should a deep-draught Rhine-Danube navigable waterway be constructed, Germany undertakes to apply thereto the régime prescribed in Articles 332 to 338.



## CHAPTER IV.

## CLAUSES RELATING TO THE RHINE AND THE MOSELLE.

## ARTICLE 354.

As from the coming into force of the present Treaty, the Convention of Mannheim of October 17, 1868, together with the Final Protocol thereof, shall continue to govern navigation on the Rhine, subject to the conditions hereinafter laid down.

In the event of any provision of the said Convention being in conflict with those laid down by the General Convention referred to in Article 338 (which shall apply to the Rhine) the provisions of the General Convention shall prevail.

Within a maximum period of six months from the coming into force of the present Treaty, the Central Commission referred to in Article 355 shall meet to draw up a project of revision of the Convention of Mannheim. This project shall be drawn up in harmony with the provisions of the General Convention referred to above, should this have been concluded by that time, and shall be submitted to the Powers represented on the Central Commission. Germany hereby agrees to adhere to the project so drawn up.

Further, the modifications set out in the following Articles shall immediately be made in the Convention of Mannheim.

The Allied and Associated Powers reserve to themselves the right to arrive at an understanding in this connection with Holland, and Germany hereby agrees to accede if required to any such understanding.

## ARTICLE 355.

The Central Commission provided for in the Convention of Mannheim shall consist of nineteen members, viz.:

2 representatives of the Netherlands;

- 2 representatives of Switzerland;
- 4 representatives of German riparian States;
- 4 representatives of France, which in addition shall appoint the President of the Commission;
- 2 representatives of Great Britain;
- 2 representatives of Italy;
- 2 representatives of Belgium.

The headquarters of the Central Commission shall be at Strasbourg.

Whatever be the number of members present, each Delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

#### ARTICLE 356.

Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

None of the provisions contained in Articles 15 to 20 and 26 of the above-mentioned Convention of Mannheim, in Article 4 of the Final Protocol thereof, or in later Conventions, shall impede the free navigation of vessels and crews of all nations on the Rhine and on waterways to which such Conventions apply, subject to compliance with the regulations concerning pilotage and other police measures drawn up by the Central Commission.

The provisions of Article 22 of the Convention of Mannheim and of Article 5 of the Final Protocol thereof shall be applied only to vessels registered on the Rhine. The Central Commission shall decide on the steps to be taken to ensure that other vessels satisfy the conditions of the general regulations applying to navigation on the Rhine.

#### ARTICLE 357.

Within a maximum period of three months from the date on which notification shall be given Germany shall cede to France tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by

way of restitution or reparation, or shares in German Rhine navigation companies.

When vessels and tugs are ceded, such vessels and tugs, together with their fittings and gear, shall be in good state of repair, shall be in condition to carry on commercial traffic on the Rhine, and shall be selected from among those most recently built.

The same procedure shall be followed in the matter of the cession by Germany to France of:

(1) the installations, berthing and anchorage accommodation, platforms, docks, warehouses, plant, etc., which German subjects or German companies owned on August 1, 1914, in the port of Rotterdam, and

(2) the shares or interests which Germany or German nationals possessed in such installations at the same date.

The amount and specifications of such cessions shall be determined within one year of the coming into force of the present Treaty by an arbitrator or arbitrators appointed by the United States of America, due regard being had to the legitimate needs of the parties concerned.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators mentioned above, shall not in any case exceed the value of the capital expended in the initial establishment of the ceded material and installations, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

#### ARTICLE 358.

Subject to the obligation to comply with the provisions of the Convention of Mannheim or of the Convention which may be substituted therefor, and to the stipulations of the present Treaty, France shall have on the whole course of the Rhine included between the two extreme points of the French frontiers:

- (a) the right to take water from the Rhine to feed navigation and irrigation canals (constructed or to be constructed) or for any other purpose, and to execute on the German bank all works necessary for the exercise of this right;
- (b) the exclusive right to the power derived from works of regulation on the river, subject to the payment to Germany of the value of half the power actually produced, this

payment, which will take into account the cost of the works necessary for producing the power, being made either in money or in power and in default of agreement being determined by arbitration. For this purpose France alone shall have the right to carry out in this part of the river all works of regulation (weirs or other works) which she may consider necessary for the production of power. Similarly, the right of taking water from the Rhine is accorded to Belgium to feed the Rhine-Meuse navigable waterway provided for below.

The exercise of the rights mentioned under (a) and (b) of the present Article shall not interfere with navigability nor reduce the facilities for navigation, either in the bed of the Rhine or in the derivations which may be substituted therefor, nor shall it involve any increase in the tolls formerly levied under the Convention in force. All proposed schemes shall be laid before the Central Commission in order that that Commission may assure itself that these conditions are complied with.

To ensure the proper and faithful execution of the provisions contained in (a) and (b) above, Germany:

(1) binds herself not to undertake or to allow the construction of any lateral canal or any derivation on the right bank of the river opposite the French frontiers;

(2) recognises the possession by France of the right of support on and the right of way over all lands situated on the right bank which may be required in order to survey, to build, and to operate weirs which France, with the consent of the Central Commission, may subsequently decide to establish. In accordance with such consent, France shall be entitled to decide upon and fix the limits of the necessary sites, and she shall be permitted to occupy such lands after a period of two months after simple notification, subject to the payment by her to Germany of indemnities of which the total amount shall be fixed by the Central Commission. Germany shall make it her business to indemnify the proprietors whose property will be burdened with such servitudes or permanently occupied by the works.

Should Switzerland so demand, and if the Central Commission approves, the same rights shall be accorded to Switzerland for the part of the river forming her frontier with other riparian States;

(3) shall hand over to the French Government, during the month following the coming into force of the present Treaty, all



projects, designs, drafts of concessions and of specifications concerning the regulation of the Rhine for any purpose whatever which have been drawn up or received by the Governments of Alsace-Lorraine or of the Grand Duchy of Baden.

#### ARTICLE 359.

Subject to the preceding provisions, no works shall be carried out in the bed or on either bank of the Rhine where it forms the boundary of France and Germany without the previous approval of the Central Commission or of its agents.

#### ARTICLE 360.

France reserves the option of substituting herself as regards the rights and obligations resulting from agreements arrived at between the Government of Alsace-Lorraine and the Grand Duchy of Baden concerning the works to be carried out on the Rhine; she may also denounce such agreements within a term of five years dating from the coming into force of the present Treaty.

France shall also have the option of causing works to be carried out which may be recognised as necessary by the Central Commission for the upkeep or improvement of the navigability of the Rhine above Mannheim.

#### ARTICLE 361.

Should Belgium within a period of 25 years from the coming into force of the present Treaty decide to create a deep-draught Rhine-Meuse navigable waterway, in the region of Ruhrort, Germany shall be bound to construct, in accordance with plans to be communicated to her by the Belgian Government, after agreement with the Central Commission, the portion of this navigable waterway situated within her territory.

The Belgian Government shall, for this purpose, have the right to carry out on the ground all necessary surveys.

Should Germany fail to carry out all or part of these works, the Central Commission shall be entitled to carry them out instead; and, for this purpose, the Commission may decide upon and fix the limits of the necessary sites and occupy the ground after a period of two months after simple notification, subject to the payment of indemnities to be fixed by it and paid by Germany.



This navigable waterway shall be placed under the same administrative régime as the Rhine itself, and the division of the cost of initial construction, including the above indemnities, among the States crossed thereby shall be made by the Central Commission.

#### ARTICLE 362.

Germany hereby agrees to offer no objection to any proposals of the Central Rhine Commission for extending its jurisdiction:

(1) to the Moselle below the Franco-Luxemburg frontier down to the Rhine, subject to the consent of Luxemburg;

(2) to the Rhine above Basle up to the Lake of Constance, subject to the consent of Switzerland;

(3) to the lateral canals and channels which may be established either to duplicate or to improve naturally navigable sections of the Rhine or the Moselle, or to connect two naturally navigable sections of these rivers, and also any other parts of the Rhine river system which may be covered by the General Convention provided for in Article 338 above.

#### CHAPTER V.

##### CLAUSES GIVING TO THE CZECHO-SLOVAK STATE THE USE OF NORTHERN PORTS.

#### ARTICLE 363.

In the ports of Hamburg and Stettin Germany shall lease to the Czecho-Slovak State, for a period of 99 years, areas which shall be placed under the general régime of free zones and shall be used for the direct transit of goods coming from or going to that State.

#### ARTICLE 364.

The delimitation of these areas, and their equipment, their exploitation, and in general all conditions for their utilisation, including the amount of the rental, shall be decided by a Commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State and one delegate of Great Britain. These conditions shall be susceptible of revision every ten years in the same manner.

Germany declares in advance that she will adhere to the decisions so taken.

## SECTION III.

## RAILWAYS.

## CHAPTER I.

## CLAUSES RELATING TO INTERNATIONAL TRANSPORT.

## ARTICLE 365.

Goods coming from the territories of the Allied and Associated Powers, and going to Germany, or in transit through Germany from or to the territories of the Allied and Associated Powers, shall enjoy on the German railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and all other matters, the most favourable treatment applied to goods of the same kind carried on any German lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Germany and going to their territories.

International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through way-bills shall be established when one of the Allied and Associated Powers shall require it from Germany.

## ARTICLE 366.

From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

If within five years from the date of the coming into force of the present Treaty a new convention for the transportation of passengers, luggage, and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new convention and the supplementary provisions for international transport by rail

which may be based on it shall bind Germany, even if she shall have refused to take part in the preparation of the convention or to subscribe to it. Until a new convention shall have been concluded, Germany shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

#### ARTICLE 367.

Germany shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communication by rail with each other and with all other countries by transit across the territories of Germany; in particular Germany shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on German internal services for the same distance, under the same conditions of speed and comfort.

The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from ports of the Allied and Associated Powers and using the German railways shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

#### ARTICLE 368.

Germany shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

#### ARTICLE 369.

In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

## CHAPTER II.

## ROLLING-STOCK.

## ARTICLE 370.

Germany undertakes that German wagons shall be fitted with apparatus allowing:

(1) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

(2) of the acceptance of wagons of such countries in all goods trains on the German lines.

The rolling-stock of the Allied and Associated Powers shall enjoy on the German lines the same treatment as German rolling-stock as regards movement, upkeep, and repairs.

## CHAPTER III.

## CESSIONS OF RAILWAY LINES.

## ARTICLE 371.

Subject to any special provisions concerning the cession of ports, waterways and railways situated in the territories over which Germany abandons her sovereignty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the cession of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be handed over complete and in good condition.

(2) When a railway system possessing its own rolling-stock is handed over in its entirety by Germany to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 11, 1918, and in a normal state of upkeep.

(3) As regards lines without any special rolling-stock, Commissions of experts designated by the Allied and Associated Powers, on which Germany shall be represented, shall fix the proportion of the stock existing on the system to which those lines belong



to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 11, 1918, the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in German workshops.

(4) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

The provisions of paragraphs 3 and 4 above shall be applied to the lines of former Russian Poland converted by Germany to the German gauge, such lines being regarded as detached from the Prussian State System.

#### CHAPTER IV.

##### PROVISIONS RELATING TO CERTAIN RAILWAY LINES.

##### ARTICLE 372.

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention, the points of difference shall be decided by commissions of experts composed as provided in the preceding Article.

##### ARTICLE 373.

Within a period of five years from the coming into force of the present Treaty the Czecho-Slovak State may require the construction of a railway line in German territory between the stations of Schlauney and Nachod. The cost of construction shall be borne by the Czecho-Slovak State.

##### ARTICLE 374.

Germany undertakes to accept, within ten years of the coming into force of the present Treaty, on request being made by the



Swiss Government after agreement with the Italian Government, the denunciation of the International Convention of October 13, 1909, relative to the St. Gothard railway. In the absence of agreement as to the conditions of such denunciation, Germany hereby agrees to accept the decision of an arbitrator designated by the United States of America.

## CHAPTER V.

### TRANSITORY PROVISIONS.

#### ARTICLE 375.

Germany shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers:

(1) For the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use;

(2) As a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organisation of postal and telegraphic services.

## SECTION IV.

### DISPUTES.

#### AND REVISION OF PERMANENT CLAUSES.

#### ARTICLE 376.

Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Article shall be settled as provided by the League of Nations.

#### ARTICLE 377.

At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative régime.

#### ARTICLE 378.

The stipulations in Articles 321 to 330, 332, 365, and 367 to 369 shall be subject to revision by the Council of the League of Na-

tions at any time after five years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

## SECTION V.

### SPECIAL PROVISION.

#### ARTICLE 379.

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

## SECTION VI.

### CAUSES RELATING TO THE KIEL CANAL.

#### ARTICLE 380.

The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

#### ARTICLE 381.

The nationals, property and vessels of all Powers shall, in respect of charges, facilities, and in all other respects, be treated on a footing of perfect equality in the use of the Canal, no distinction being made to the detriment of nationals, property and vessels of any Power between them and the nationals, property and vessels of Germany or of the most favoured nation.

No impediment shall be placed on the movement of persons or vessels other than those arising out of police, customs, sanitary, emigration or immigration regulations and those relating to the import or export of prohibited goods. Such regulations must be reasonable and uniform and must not unnecessarily impede traffic.

ARTICLE 382.

Only such charges may be levied on vessels using the Canal or its approaches as are intended to cover in an equitable manner the cost of maintaining in a navigable condition, or of improving, the Canal or its approaches, or to meet expenses incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenses, and shall be posted up in the ports.

These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in the case of suspected fraud or contravention.

ARTICLE 383.

Goods in transit may be placed under seal or in the custody of customs agents; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by Germany.

ARTICLE 384.

No charges of any kind other than those provided for in the present Treaty shall be levied along the course or at the approaches of the Kiel Canal.

ARTICLE 385.

Germany shall be bound to take suitable measures to remove any obstacle or danger to navigation, and to ensure the maintenance of good conditions of navigation. She shall not undertake any works of a nature to impede navigation on the Canal or its approaches.

ARTICLE 386.

In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any

interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations.

In order to avoid a reference of small questions to the League of Nations, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.

## PART XIII.

## LABOUR.

## SECTION I.

## ORGANISATION OF LABOUR.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

## CHAPTER I.

## ORGANISATION.

## ARTICLE 387.

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.



The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

#### ARTICLE 388.

The permanent organisation shall consist of:

(1) a General Conference of Representatives of the Members and,

(2) an International Labour Office controlled by the Governing Body described in Article 393.

#### ARTICLE 389.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the

votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

#### ARTICLE 390.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

#### ARTICLE 391.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

#### ARTICLE 392.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

#### ARTICLE 393.

The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

The Governing Body of the International Labour Office shall be constituted as follows:

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members se-

lected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

#### ARTICLE 394.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

#### ARTICLE 395.

The staff of the International Labour Office shall be appointed by the Director who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

#### ARTICLE 396.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

#### ARTICLE 397.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

#### ARTICLE 398.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

#### ARTICLE 399.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

## CHAPTER II.

## PROCEDURE.

## ARTICLE 400.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 389.

## ARTICLE 401.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

## ARTICLE 402.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

## ARTICLE 403.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.



The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

#### ARTICLE 404.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

#### ARTICLE 405.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities

within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

#### ARTICLE 406.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

#### ARTICLE 407.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE 408.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 409.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 411.

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided

for, communicate with the Government in question in the manner described in Article 409.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

#### ARTICLE 412.

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may be two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person



nominated to the panel by any Member directly concerned in the complaint.

ARTICLE 413.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE 414.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 415.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 416.

In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.



## ARTICLE 417.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

## ARTICLE 418.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

## ARTICLE 419.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

## ARTICLE 420.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

## CHAPTER III.

## GENERAL.

## ARTICLE 421.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

## ARTICLE 422.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

## ARTICLE 423.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

## CHAPTER IV.

## TRANSITORY PROVISIONS.

## ARTICLE 424.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 425.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

#### ARTICLE 426.

Pending the creation of a Permanent Court of International Justice disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

#### ANNEX.

##### FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda:

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
  - (a) Before and after child-birth, including the question of maternity benefit;
  - (b) During the night;
  - (c) In unhealthy processes.
- (4) Employment of children:
  - (a) Minimum age of employment;
  - (b) During the night;
  - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

## SECTION II.

### GENERAL PRINCIPLES.

#### ARTICLE 427.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits, and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

*First.*—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

*Second.*—The right of association for all lawful purposes by the employed as well as by the employers.

*Third.*—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

*Fourth.*—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

*Fifth.*—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

*Sixth.*—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

*Seventh.*—The principle that men and women should receive equal remuneration for work of equal value.

*Eighth.*—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

*Ninth.*—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.



## PART XIV.

## GUARANTEES.

## SECTION I.

## WESTERN EUROPE.

## ARTICLE 428.

As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine, together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty.

## ARTICLE 429.

If the conditions of the present Treaty are faithfully carried out by Germany, the occupation referred to in Article 428 will be successively restricted as follows:

(1) At the expiration of five years there will be evacuated: the bridgehead of Cologne and the territories north of a line running along the Ruhr, then along the railway Jülich, Duren, Euskirchen, Rheinbach, thence along the road Rheinbach to Sinzig, and reaching the Rhine at the confluence with the Ahr; the roads, railways and places mentioned above being excluded from the area evacuated.

(2) At the expiration of ten years there will be evacuated: the bridgehead of Coblenz and the territories north of a line to be drawn from the intersection between the frontiers of Belgium, Germany and Holland, running about from 4 kilometres south of Aix-la-Chapelle, then to and following the crest of Forst Gemünd, then east of the railway of the Urft Valley, then along Blankenheim, Valdorf, Dreis, Ulmen to and following the Moselle from Bremm to Nehren, then passing by Kappel and Simmern,

then following the ridge of the heights between Simmern and the Rhine and reaching this river at Bacharach; all the places valleys, roads and railways mentioned above being excluded from the area evacuated.

(3) At the expiration of fifteen years there will be evacuated: the bridgehead of Mainz, the bridgehead of Kehl and the remainder of the German territory under occupation.

If at that date the guarantees against unprovoked aggression by Germany are not considered sufficient by the Allied and Associated Governments, the evacuation of the occupying troops may be delayed to the extent regarded as necessary for the purpose of obtaining the required guarantees.

#### ARTICLE 430.

In case either during the occupation or after the expiration of the fifteen years referred to above the Reparation Commission finds that Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 will be re-occupied immediately by the Allied and Associated forces.

#### ARTICLE 431.

If before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present Treaty, the occupying forces will be withdrawn immediately.

#### ARTICLE 432.

All matters relating to the occupation and not provided for by the present Treaty shall be regulated by subsequent agreements, which Germany hereby undertakes to observe.

### SECTION II.

#### EASTERN EUROPE.

#### ARTICLE 433.

As a guarantee for the execution of the provisions of the present Treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk Treaty, and of all treaties, conventions and

agreements entered into by her with the Maximalist Government in Russia, and in order to ensure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the Principal Allied and Associated Powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defence as may be adopted by the Provisional Governments of Esthonia, Latvia, and Lithuania.

No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories.

## PART XV.

## MISCELLANEOUS PROVISIONS.

## ARTICLE 434.

Germany undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany and to recognise whatever dispositions may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

## ARTICLE 435.

The High Contracting Parties, while they recognise the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for

France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

## A N N E X.

### I.

The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

(1) The neutralised zone of Haute-Savoie:

(a) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralised zone of Savoy, nothing will be definitively settled, on one side or the other, in regard to this subject.

(b) The assent given by the Swiss Government to the abrogation of the above mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

(c) The agreement between the Governments of France and Switzerland for the abrogation of the above mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording. In addition the Parties to the Treaty of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

(2) Free zone of Haute-Savoie and the district of Gex:

(a) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that "the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions." The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion



that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft Convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(b) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

## II.

The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph:

In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the

honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (a), of the Swiss note of May 5, under the heading "Neutralised zone of Haute-Savoie."

#### ARTICLE 436.

The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality

## ARTICLE 437.

The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

## ARTICLE 438.

The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the Missions are conducted, will safeguard the interests of such Missions.

Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

## ARTICLE 439.

Without prejudice to the provisions of the present Treaty, Germany undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, including those which without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished, whoever may be the parties in interest.

## ARTICLE 440.

Germany accepts and recognises as valid and binding all decrees and orders concerning German ships and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of German Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Germany agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first *procès-verbal* of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first *procès-verbal* the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the *procès-verbaux* of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.





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## COMMENTS BY THE GERMAN DELEGATION ON THE CONDITIONS OF PEACE



OCTOBER, 1919

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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY



## COMMENTS BY THE GERMAN DELEGATION ON THE CONDITIONS OF PEACE<sup>1</sup>

### FIRST PART

#### GENERAL REMARKS

##### I. LEGAL BASIS OF THE NEGOTIATIONS OF PEACE

The German Delegation have entered upon the task of concluding peace in the legal conviction that the essential contents of the treaty of peace which is to be concluded, are in principle outlined by the events preceding it, and that thereby a definite platform is established for the negotiations at Versailles. This conviction is founded upon the following facts:

On the 5th of October, 1918, the German Government requested President Wilson to take into his hands the task of establishing peace on the basis of the fourteen points contained in his message to Congress of January 8, 1918, and on the basis of his subsequent proclamations, especially his speech of September 27, 1918, to invite all belligerent powers to send delegates for the purpose of entering into negotiations and to bring about the immediate conclusion of a general armistice.

On the 8th of October, 1918, President Wilson asked if the German Government accepted his fourteen points and if the sole object of their discussion would be to agree upon the practical application of their details. The German Government expressly confirmed this and at the same time said it expected that the Allied Governments also stood on the platform of President Wilson's proclamations. Moreover, it declared its readiness to evacuate the occupied territories, this being demanded by President Wilson as a prerequisite to concluding the armistice.

<sup>1</sup>The Reply of the Allied and Associated Powers to the German Observations will be published in the November issue of *International Conciliation*.

After further correspondence President Wilson, on the 23rd of October, 1918, declared that he was willing to take up with the Allied Governments the question of an armistice. He made it known at the same time that, in carrying out this intention, he had transmitted to the Allies his correspondence with the German Government and had suggested that, in case the Allies agreed to the terms and principles of peace accepted by Germany, they point out through their military advisers such terms for an armistice as would be fit to safeguard or to enforce the details of the peace to which the German Government had agreed. Germany, it was thus expressly said, could by the acceptance of such terms of armistice afford the best concrete evidence that she accepted the fundamental terms and principles of the whole treaty of peace.

The German Government having, in its reply of the 27th of October, given satisfactory information concerning further matters of internal politics which President Wilson had touched upon in his last mentioned note of October 23rd, President Wilson notified the German Government on the 3rd of November, that, in reply to the correspondence with the German Government which he had transmitted to the Allies, he had received from the Allied Governments the following memorandum:

"The Allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January 8, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed. The Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage



done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea and from the air."

On the 11th of November, 1918, the armistice was concluded. From the correspondence that led to this armistice, the following points became evident:

1. As a basis of peace, Germany has expressly accepted nothing but President Wilson's fourteen points and his subsequent proclamations. No other bases have been demanded either by President Wilson, or after him, by any of the Allied Governments.

2. The acceptance of the terms of armistice was, according to President Wilson's own assurance, to be the best evidence of the unequivocal acceptance of the above mentioned fundamental terms and principles of peace on the part of Germany. Germany has accepted the terms of armistice and thereby furnished the proof demanded by President Wilson. Beyond that she has with all her might endeavored to fulfill those terms in spite of their great severity.

3. The Allies also have accepted Wilson's fourteen points and his subsequent proclamations as a basis of peace.

4. A solemn agreement as to the basis of peace therefore exists between the two Contracting Parties. Germany has a right to this basis of peace. By abandoning it the Allies would break an international legal agreement.

The historical facts stated show that between the German Government on the one hand and the Governments of the Allied and Associated Powers on the other a *pactum de contrahendo* has been concluded which is, without a doubt, legally binding and whereby the basis for the peace is for both parties unalterably fixed.

The practical application of the principles agreed upon must, according to President Wilson's own words, be the subject of negotiation. Germany has a right to a discussion of the terms of peace. This discussion can only extend to the application of the fourteen points and of the subsequent proclamations of Mr. Wilson. If a peace of a different character were to be forced upon Germany, that would be a breach of a solemn pledge.

## II. THE CONTRADICTION BETWEEN THE DRAFT OF THE TREATY ON THE ONE HAND AND THE LEGAL BASIS AGREED UPON, THE PREVIOUS ASSURANCES OF THE ENEMY STATESMEN AND THE GENERAL IDEAS OF INTERNATIONAL LAW ON THE OTHER HAND.

Relying on the legal basis agreed upon for the negotiation of peace, the German people laid down their arms. They were especially confident, inasmuch as they saw in this agreement merely a summary of the fundamental ideas which had been previously expressed over and over again by the enemy statesmen. Our enemies have repeatedly professed that they are not making war on the German people but on an imperialistic and irresponsible Government. Our enemies have repeated again and again that this war without parallel should be followed by a new kind of peace, a peace of right and not a peace of might. A new spirit should emanate from this peace and should be embodied in a League of Nations, of which Germany should also be a member. Germany's position among the nations should not be destroyed, and the right of self-determination should be recognized for all nations.

All these principles were comprised in President Wilson's fourteen points and in his subsequent declarations.

The conditions of peace which have been presented to us are an obvious contradiction of all such assurances from the mouths of the enemy statesmen. Some evidence may be found in the following:

### I. NO WAR AGAINST THE GERMAN PEOPLE

That the war was not directed against the German people, was declared by the former English minister, Asquith, at Leeds on the 27th of September, when he said, "Prussian militarism—that has been and is our objective . . ." Likewise Lord Robert Cecil said on the 23rd of July, 1917:

"If there were a real democratic Government established in Germany, that would be in itself a strong guarantee that the danger which we should have to fear in the future from Germany would be proportionately decreased."

In accordance with this statement, the English Minister of Munitions, Winston Churchill, said in a speech on the 3rd of October, 1914:

"If the Germans were decisively defeated so that they lost faith in their present governing system, so that they realized that

it had led them only into misery and had made them the agents of disaster and misery to mankind; if they became, as it were, a grown-up nation like the liberated democracies of the world—a real lasting peace would come, a peace that would heal, and not a peace in which the world would be divided by fear and mistrust in consequence of the desire of one nation to raise itself above the others.”

The same was assured by President Wilson, when on the 2nd of April, 1917, he said: “We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering this war. It was not with their previous knowledge or approval. . . . It will be easier for us to conduct ourselves as belligerents in a high spirit of right and fairness, because we act without animus, not with enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible Government.” And on the American Flag Day, 1917, President Wilson said at Washington: “We know now clearly, as we knew before we ourselves were engaged in the war, that we are not the enemies of the German people and that they are not our enemies. They did not originate or desire this hideous war, or wish that we should be drawn into it, and we are vaguely conscious that we are fighting their cause, as they will some day see it, as well as our own.” In an address of December 4, 1917, he says: “They insist that the war shall not end in vindictive action of any kind; that no nation or people be robbed or punished because the irresponsible rulers of a single country have themselves done deep and abominable wrong.” In his address at Baltimore on the 6th of April, 1918, President Wilson said: “We have ourselves proposed no injustice, no aggression. We are ready, whenever the final reckoning is made, to be just to the German people, deal fairly with the German power, as with all others. There can be no difference between peoples in the final judgment, if it is indeed to be a righteous judgment. To propose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonor our own cause. For we ask nothing that we are not willing to accord.”

To-day after the radical political changes that have taken

place in Germany in the late autumn of 1918, our enemies no longer face an irresponsible German Government but the German people controlling its own fate. The new constitution of the German Empire, the structure of its popular Government, are adapted to the most rigorous principles of democracy; the abandonment of the militaristic spirit is evident also in the fact that the Statute for a League of Nations proposed by Germany contains an agreement concerning the restriction of armaments, which establishes greater securities than the corresponding provisions of the Covenant for a League of Nations contained in the draft of the treaty of peace.

But these facts, like others, have been utterly disregarded in the draft of the treaty of peace. It would be difficult to imagine how harder terms could be imposed upon an imperialistic government.

## 2. NO PEACE OF MIGHT BUT A PEACE OF RIGHT

The peace to be concluded with Germany was to be a peace of right, not a peace of might.

Thus the French Minister, Painlevé, on the 18th of September, 1917, in the Senate and the Chamber of Deputies, promised the conclusion, "not of a peace of compulsion and of force, which would bear in itself the germ of the next war, but of a just peace." On the 12th of November, 1917, the same statesman said to the Allies: "You are fighting so that the nations may at last know peace, justice, respect for right, without being prostrated under iron laws." On the 27th of September, 1917, Pichon, the Minister of Foreign Affairs, said in the Chamber of Deputies: "To gain victories, why? To make conquests in order to suppress nations, to rule? No! But to secure for the world a peace of justice and fraternity, according to the votes of the Chamber and the declarations of the Allied Governments."

The English Minister, Asquith, declared in his speech at Leeds, on the 27th of September, 1917: "Still less can you look for a peace which is worthy of the word, in any arrangement imposed by the victor upon the vanquished, which ignores the principles of right and sets at defiance the historic traditions, the aspirations, and the liberties of the nations affected. Such so-called treaties contain within themselves their own death warrant, and simply provide a fertile breeding-ground for future wars. . . ."



On the 10th of January, 1918, Minister Balfour declared at Edinburgh: "We never went into the war for selfish objects; we did not stay in the war for selfish objects; and we are not going to fight the war to a finish for selfish objects."

On the 4th of September, 1915, the English Minister, Bonar Law, said in Guild Hall: "We are fighting for the moral forces of humanity. We are fighting for the right of public justice, the foundations of civilization. We are fighting for right against might."

On the 22nd of October, 1917, the English Prime Minister, Lloyd George, claimed in the House of Commons that Germany must not be given any grounds for complaint by doing her actual injustice, and in his speech on the 5th of January, 1918, he said: "Not revenge but justice! A peace of revenge would not be justice. We must not have a new Alsace-Lorraine question, for the simple reason, because we would repeat the blunder of Germany." Similarly General Smuts, addressing the wharf-workmen of the Clyde on the 17th of May, 1918, pointed out that the object of the war was to safeguard the freedom and the rights of all nations.

On the 2nd of April, 1917, President Wilson said in his address to both Houses of Congress: "We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them." And on the 4th of December, 1917, in his annual message to Congress he professed what follows: "I believe that I speak for them [the American people], when I say two things: First, that this intolerable thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force which we now see so clearly as the German power, a thing without conscience, or honor, or capacity for covenanted peace, must be crushed, and if it be not utterly brought to an end, at least shut out from the friendly intercourse of the nations; and, second, that when this thing and its power are indeed defeated and the time comes that we can discuss peace—when the German people have spokesmen whose word we can believe, and when those spokesmen are ready in the name of their people to accept the common judgment of the nations as to what shall henceforth be the bases of law and of covenant for the life of the world—we shall be willing and glad to pay the full price for peace and pay it ungrudgingly. We know what that price will



be. It will be full, impartial justice—justice done at every point and to every nation that the final settlement must affect, our enemies as well as our friends.” And in the same speech he says of the wrongs that would have to be righted: “They cannot and must not be righted by the commission of similar wrongs against Germany and her allies. The world will not permit the commission of similar wrongs as a means of reparation and settlement. Statesmen must by this time have learned that the opinion of the world is everywhere wide awake and fully comprehends the issues involved.” In his address to the Mexican journalists on the 9th of June, 1918, President Wilson promised to maintain the principle that the interests of the weakest and of the strongest should be equally sacred. “That is what we mean, provided we do so sincerely with understanding and in real knowledge and conception of the subject. If it is indeed and in truth the mutual aim of the Governments allied against Germany and of their nations, in the coming negotiations of peace to bring about a sure and lasting peace, all who sit down at the table of negotiations will be ready and willing to pay the only price for which it can be got. They must also be ready and willing, with manly courage to create the only instrument that can guarantee the execution of the conditions of peace. This price is impartial justice in every item without regard to whose interests may be crossed by it, and not only impartial justice but also satisfaction to all nations whose future is to be decided upon.” And in his speech before Congress on the 11th of February, 1918, the President described the aim of peace as follows: “What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches.”

The peace document shows that none of these repeated solemn assurances has been kept.

To begin with the territorial questions:

In the West, a purely German territory on the Saar with a population of at least 650,000 inhabitants is to be separated from the German Empire for at least fifteen years merely for the reason that claims are asserted to the coal abounding there.

The other cessions in the West, German-Austria and German-Bohemia will be mentioned in connection with the right of self-determination.

In Schleswig, the line of demarcation for voting has been traced through purely German districts and goes farther than Denmark herself wishes.

In the East, Upper Silesia is to be separated from Germany and given to Poland, although it has had no political connection with Poland for the last 750 years. Contrary to this, the provinces of Posen and almost the whole of West Prussia are to be separated from the German Empire in consideration of the former extent of the old Polish state, although millions of Germans are living there. Again, the district of Memel is separated from Germany quite regardless of its historical past, in the obvious attempt to separate Germany from Russia for economic reasons. For the purpose of securing to Poland free access to the sea, East Prussia is to be completely cut off from the rest of the Empire and thereby condemned to economic and national decay. The purely German city of Danzig is to become a Free State under the suzerainty of Poland. Such terms are not founded on any principle of justice. Quite arbitrarily, here the idea of an imprescribable historical right, there the idea of ethnographical possession, there the standpoint of economic interest shall prevail, in every case the decision being unfavorable to Germany.

The settlement of the colonial question is equally contradictory to a peace of justice. For the essence of activity in colonial work does not consist in capitalistic exploitation of a less developed human race, but in raising backward peoples to a higher civilization. This gives the Powers which are advanced in culture a natural claim to take part in colonial work. Germany, whose colonial accomplishments cannot be denied, has also this natural claim, which is not recognized by a treaty of peace that deprives Germany of all of her colonies.

Not only the settlement of the territorial questions but each and every provision of the treaty of peace is governed by the ill-renowned phrase: "Might above Right!"—Here are a few illustrations:

Under the provisions of Article 117 Germany is to recognize beforehand the full force of all treaties or agreements which may be entered into by her enemies with the states created or to be created in any part of the former Russian Empire, even with respect to her own frontiers.

According to the provisions of international law as understood

on the Continent, the economic war ought to have been considered unlawful, and private property should have been left untouched, even while the war was being carried on. In spite of this, the instrument of peace does not confine itself to demanding, in payment of the public claims of restitution against Germany, the total of German property liquidated by the enemies within their territories. In addition, the enemy Governments monstrosously reserve to themselves the right, for an indefinite period after the coming into force of the treaty of peace, to liquidate all German property within their territories without real equivalent and regardless of the time of its importation, or to submit the same to other measures of war at their discretion. This shall apply even to German property in the German colonies, in Alsace-Lorraine and in the other districts to be ceded.

The demand is made that German citizens be handed over to courts of the enemy Powers, instead of trying out a new solution, a fruit of the idea of a just peace, of appointing an impartial authority that should settle all violations of international law that have occurred in this war.

Although President Wilson, in his speech of October 20th, 1916, has acknowledged that "no single fact caused the war, but that in the last analysis the whole European system is in a deeper sense responsible for the war, with its combination of alliances and understandings, a complicated texture of intrigues and espionage that unfailingly caught the whole family of nations in its meshes," "that the present war is not so simply to be explained and that its roots reach deep into the dark soil of history," Germany is to acknowledge that Germany and her allies are responsible for all damages which the enemy Governments or their subjects have incurred by her and her allies' aggression. This appears all the less tolerable as it is an indisputable historical fact that several of the hostile Powers, such as Italy and Roumania, on their part entered the war for the purpose of territorial conquests. Apart from the consideration that there is no incontestable legal foundation for the obligation for reparation imposed upon Germany, the amount of such compensation is to be determined by a commission nominated solely by Germany's enemies, Germany taking no part in the findings of the commission. The commission is plainly to have power to administer Germany like the estate of a bankrupt.

As there are innate rights of man, so there are innate rights of nations. The inalienable fundamental right of every state is the right of self-preservation and self-determination. With this fundamental right the demand here made upon Germany is incompatible. Germany must promise to pay an indemnity, the amount of which at present is not even stated. The German rivers are to be placed under the control of an international body upon which Germany's delegates are always to be but the smallest minority. Canals and railroads are to be built on German territory at the discretion of foreign authorities.

These few instances show that that is not the just peace we were promised, not the peace "the very principle of which," according to a word of President Wilson, "is equality and the common participation in a common benefit. The equality of nations upon which peace must be founded if it is to last must be an equality of rights."

### 3. THE SPIRIT OF THE LEAGUE OF NATIONS

In such a peace the solidarity of human interests, which was to find its expression in a League of Nations, would have been respected. How often Germany has been given the promise that this League of Nations would unite the belligerents, conquerors as well as conquered, in a permanent system of common rights! On April 10, 1916, Minister Asquith said to the members of the French Parliament: "The aim of the Allies in this war is to smooth the path towards an international system insuring the principle of equal rights for all civilized nations." On November 1, 1918, Minister Lord Robert Cecil spoke of a spirit of the League of Nations, meaning not only the machinery of a League of Nations but the substitution of cooperation for competition in international relations.

"This would be an enormous change, putting to the test the patriotism of many people in England. Unless we approach these problems with the real, frank desire of bringing about a solution that will permanently be maintained to the advantage of the whole civilized world, then, in reality it might happen that we might set in motion against ourselves a new failure, a new catastrophe, such as we have gone through during the last four years, in which case it is by no means certain that European



civilization would survive." On August 26, 1915, the former minister Sir Edward Grey said: "If there should be guarantees against a future war, they would have to be all-comprising and efficacious and to bind Germany no less than the other nations, England included." The same minister, in his treatise on the League of Nations, wrote in 1918, "such a League of Nations must include Germany, too, but not a Germany that is not convinced of the advantage and the necessity of such a league. The Allies on the other hand, must lay the principal stress on the idea of the mutual respect of the nations, and be determined to suppress any attempt to war as a contagion menacing the whole world with annihilation. If people who accept this idea and this kind of peace speak and act in the name of Germany, we shall obtain a good peace." On the 12th of October, 1918, Lord Grey said: "Wilson has repeatedly insisted that the League of Nations must be a league into which Germany also can be admitted. We must not seek any pretext for excluding Germany for any other reason than that every government belonging to the league must represent a free nation, firmly bent on realizing with full sincerity the aims of the league." Similarly the French Prime Minister, Ribot, demanded on June 6, 1917: "Tomorrow, a League of Peace must be established in the name of the democratic spirit which France had the honor of introducing into the world. The nations at present under arms will, tomorrow, form the Society of Nations. That is the future of mankind or one would have to despair of its future. Wilson has said that in this point he is with us."

"If the peace presently to be made is to endure," said President Wilson on January 22, 1917, "it must be a peace made secure by the organized major force of mankind." "A general association of nations must be formed" ran a passage in his address delivered before Congress on January 8, 1918. On the 27th of September, 1918, he declared: "The Constitution of that League of Nations and the clear definition of its objects must be a part, in a certain sense the most essential part, of the peace settlement itself. If formed now it would be merely a new alliance confined to the nations associated against a common enemy." Not later than on January 3, 1919, at Rome, President Wilson saw the chief task of the peace conference in the problem of "organizing the friendship of the whole world, taking care that all the moral



forces tending towards right, justice and liberty, be combined into a living organism."

These manifestations made it appear as a matter of course to the German people that it would, from the beginning, participate in the establishing of the League of Nations. But in contradiction to them, the Covenant of the League of Nations has been framed without the cooperation of Germany. Nay, still more. Germany does not even stand on the list of those States that have been invited to join the League of Nations. To be sure, Germany may apply for admission which, however, is made dependent on "effective guarantees," the extent and tenor of which she does not even know. The importance of Germany does not depend upon her present military or political power; therefore there can be no true "League of Nations" without her. What the treaty of peace proposes to establish, is rather a continuance of the present hostile coalition which does not deserve the name of "League of Nations." The inner structure, too, is not that of the true League of Nations. Instead of the dreamt-of holy alliance of the nations, there reappears in it the fatal idea of the Holy Alliance of 1815, the illusion that world peace may be secured from above by way of diplomatic conferences with diplomatic organs. It is regrettable that there are no technical authorities or impartial tribunals to offset the select committee controlled by the Great Powers, which may submit the whole civilized world to its control at the expense of the independence and equality of rights of the smaller States. The old political system based on force and with its tricks and rivalries will thus continue to thrive!

#### 4. WILL THE POSITION OF GERMANY BE DESTROYED?

Again and again the enemies of Germany have assured the whole world that they did not aim at the destruction of Germany. "Who has ever desired," avowed Prime Minister Lloyd George on September 19, 1916, in the House of Commons, "to put an end to the national existence of Germany or her free national development?" On February 20, 1918, Lord Milner, member of the English Council of War, said: "We are not fighting to destroy Germany . . . we are not fighting to deprive the German people of their independence or of their fair share in the trade

and intercourse of the world." On December 27, 1917, M. Pichon, French Minister of Foreign Affairs, in his report to the Chamber of Deputies, referred to the fact that in the reply of the Allies to the message of Mr. Wilson there was no reference whatever to the destruction of the German people.

"America must prove her readiness," said President Wilson on October 26, 1916, at Cincinnati, "to exert not only her moral influence but also her physical force if other nations in association with her will see to it that no nation nor any combination of nations try to exploit another nation or a combination of nations, and that the sole aim for which the war has been fought, is the general rights of mankind." In the President's reply to the note of the Pope of August 27, 1917, is stated: "The American people believe that peace should rest upon the rights of peoples, not the rights of governments—the rights of peoples great or small, weak or powerful—their equal right to freedom and security and self-government and to a participation upon fair terms in the economic opportunities of the world, the German people of course included if they will accept equality and not seek domination."

Furthermore, President Wilson, on January 8, 1918, in an address delivered before Congress, stipulated as a condition for a just peace: "the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance." And, according to his New York speech of September 27, 1918, the economic boycott is to be tolerated henceforth merely as a legal measure of the executive authority of the League of Nations.

In contradiction to this, the peace document shows that Germany's position as a world power is to be utterly destroyed. The Germans abroad are deprived of the possibility of keeping up their old relations in foreign countries and of regaining for Germany a share in world commerce, while their property, which has up to the present been confiscated and liquidated, is being used for reparation instead of being restored to them.

In like manner, it is made impossible to every German to acquire for his country a share in the world's trade, if—even after the peace treaty has been signed—all German property in foreign countries, for an indefinite period, may remain subject to measures of war and, therefore, be liable to confiscation and liquidation.

tion. Apart from this, Germans in the enemies' countries are not to enjoy the same personal legal position to which they would be entitled in Germany. The desire to eliminate Germany from the world's trade manifests itself further in the confiscation of her cables.

In addition to this comes the destruction of German economic life in the interior, which is explained further on.

Such stipulations amount to a complete denial of that idea of international law according to which every people has a claim to life. This supreme benefit must not be taken from it in favor of the economic interests of other nations.

## 5. RIGHT OF SELF-DETERMINATION

In this war, a new fundamental law has arisen which the statesmen of all belligerent peoples have again and again acknowledged to be their aim: the right of self-determination. To make it possible for all nations to put this privilege into practice was intended to be one achievement of the war. As "leading" principle, Minister Asquith proclaimed at Leeds on September 27, 1917, "that you must proceed on the lines of racial affinity, of historic tradition, above all of the actual wishes and aspirations of the inhabitants." On October 11, 1918, the same statesman demanded "for every individual nationality the freedom of self-development, so that they may render their particular talents, faculties and services accessible to all mankind." On September 11, 1914, Minister Churchill declared: "Let us, whatever we do, fight for and work towards great and sound principles for the European system. And the first of these principles . . . is the principle of nationality . . . ." On March 23, 1915, Sir Edward Grey, who was then Minister, characterized as "the great idea for which the Allies were fighting that the nations of Europe might lead their own independent lives and perfect their own forms of government and their own national development in full freedom." On October 23, 1916, Sir Edward Grey reiterated: "We shall go on fighting until we have attained the prevalence of and the right to free development under equal conditions upon which all states may, in conformity with their nature, build themselves up as one family of civilized mankind." On January 5, 1918, the English Prime

Minister, Lloyd George, mentioned among the foremost objects of the war "a territorial settlement . . . based on the right of self-determination or the consent of the governed." On December 12, 1917, the Italian Prime Minister, Orlando, spoke of the inviolable unity of the national conscience. On January 11, 1918, Pichon quoted among the three conditions for a just and lasting peace a territorial regulation on the basis of the right of self-determination.

On April 2, 1917, President Wilson declared: "We shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government." On February 11, 1918, President Wilson said in Congress: "Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game. . . . Peoples may now be dominated and governed only by their own consent. Self-determination is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril. We cannot have general peace for the asking nor by the arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful states." Similarly, a passage in his message to the Senate of January 22, 1917, ran: "No peace can last, or ought to last, which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed and that no right anywhere exists, to hand peoples about from sovereignty to sovereignty as if they were property." In his speech on July 4, 1918, President Wilson once more emphatically laid down as object of the war: "the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

Neither the treatment described above of the inhabitants of the Saar region as accessories to the pits nor the public form of consulting the population in the districts of Eupen, Malmédy and Prussian Moresnet—which, moreover, shall not take place before they have been put under Belgian sovereignty—comply



in the least with such a solemn recognition of the right of self-determination.

The same is also true with regard to Alsace-Lorraine. If Germany has pledged herself "to right the wrong of 1871," this does not mean any renunciation of the right of self-determination of the inhabitants of Alsace-Lorraine. A cession of the country without consulting the population would be a new wrong, if for no other reason, because it would be inconsistent with a recognized principle of peace.

On the other hand, it is incompatible with the idea of national self-determination for two and one-half million Germans to be torn away from their native land against their own will. By the proposed demarcation of the boundary, unmistakably German territories are disposed of in favor of their Polish neighbors. Thus, from the Central Silesian districts of Guhrau and Militsch certain portions are to be wrenched away, in which, beside 44,900 Germans, reside at the utmost 3,700 Poles. The same may be said with reference to the towns of Schneidemühl and Bromberg of which the latter has, at the utmost, eighteen per cent. Polish inhabitants, whereas in the rural district of Bromberg the Poles do not form even forty per cent. of the population. Of the Netze district now assigned to Poland, Wilson, in his book "The State, Elements of Historical and Practical Politics," in chapter 7: The Government of Germany, page 255, has explicitly recognized that an absolutely German territory was in question. The demarcation of the boundary between Poland on the one hand, and Central Silesia, Brandenburg and West Prussia on the other hand, has been based on strategic considerations. These, however, are absolutely untenable in an age in which property rights are internationally safeguarded by the League of Nations. How arbitrary in every respect the frontiers drawn in the East are, may also be inferred from the fact that the Upper Silesian districts of Leobschütz and Ratibor are assigned to the Czecho-Slovakian State although Leobschütz has 7.6%, Czecho-Moravian population. Likewise the demarcation of the districts in southern East Prussia comprises purely German regions, *e. g.* Angerburg and Oletzko. This disrespect of the right of self-determination is shown most grossly in the fact that Danzig is to be separated from the German Empire and made a free state. Neither historical rights nor the present



ethnographical conditions of ownership of the Polish people can have any weight as compared with the German past and the German character of that city. Free access to the sea, satisfying the economic wants of Poland, can be secured by guarantees founded on international law, by the creating of free ports. Likewise the cession of the commercial town of Memel, which is to be exacted from Germany, is in no way consistent with the right of self-determination. The same may be said with reference to the fact that millions of Germans in German-Austria are to be denied the union with Germany which they desire and that, further, millions of Germans dwelling along our frontiers are to be forced to remain part of the newly created Czecho-Slovakian State.

Even as regards that part of the national territory that is to be left to Germany, the promised right of self-determination is not observed. A Commission for the execution of the indemnity shall be the highest instance for the whole State. Our enemies claim to have fought for the great aim of the democratization of Germany. To be sure, the outcome of the war has delivered us from our former authorities, but instead of them we shall have in exchange a foreign, dictatorial power whose aim can and must be only to exploit the working power of the German people for the benefit of the creditor states. Such a surrender of its independence may not be demanded of any State. The right of self-preservation of a State means above all an unrestricted determination of its internal organization; a restriction of Germany's freedom in this respect is a violation of the fundamental laws of nations.

### III. THE RESULTS

All this shows that the draft of a peace treaty as submitted to the German Government stands in full and irreconcilable conflict with the basis agreed upon for a just and durable peace. Scarcely a single stipulation of the draft corresponds with the conditions agreed upon, and with regard to the territorial questions, the draft demands the annexation of purely German territory and the suppression of the German nationality. It involves the utter destruction of German economic life. It leads the German people into a financial thralldom unknown in history up to the present day. Therefore, in the session of the

National Assembly on the 12th of May, it was characterized as being impossible of realization, by the Government as well as by all the parties. The application of this draft of a treaty would be equivalent to a new disaster for the whole world. Did not ex-President Roosevelt on October 10, 1914, utter the warning that "A destruction or even mere crippling of Germany apt to lead to its political powerlessness, would be a catastrophe for mankind." This would make itself felt first in the sphere of economics. From an economically pauperized Germany, as would be the inevitable result of such a peace, her creditors cannot obtain those immense sums which Germany is to pay to them. The disadvantageous consequences of such a peace would range far beyond any diminution of the enemies' demands. The economic prosperity of the world is, taking everything into account, dependent on the total sum of the produced goods. The entire elimination of Germany from the world's trade may, to be sure, oust an obnoxious competitor; as a result of the economic breakdown of Germany, the world as a whole must become infinitely poorer. Such a lasting damage to the welfare of the world is doubly disastrous because the war has consumed a large portion of the national wealth of most of the belligerents. What the world is in need of is international cooperation in all fields.

The fact that this is an age in which economic relations are on a world scale, requires the political organization of the civilized world. The German Government agrees with the Governments of the Allied and Associated Powers in the conviction that the horrible devastation caused by this war requires the establishment of a new world order, an order which shall insure the "effective authority of the principles of international law," and "just and honorable relations between the nations." The restoration and perfection of international order in the world can only be assured if the existing authorities, in a new spirit, succeed in realizing the great idea of democracy; if, as President Wilson declared on the 4th of July, 1918, "the settlement of every question is brought about" . . . "upon the basis of the free acceptance of that settlement by the people immediately concerned . . ." Only the nations that enjoy freedom and independence, based upon law, may give each other the guarantee of just and honorable relations. But their fairness and honor

also require that they warrant each other freedom and life as the most sacred and inalienable fundamental rights.

There is no evidence of these principles in the peace document which has been laid before us. Expiring world theories, emanating from imperialistic and capitalistic tendencies, celebrate in it their last horrible triumph. As opposed to these views, which have brought unspeakable disaster upon the world, we appeal to the innate sense of right of men and nations, under whose token the English State developed, the Dutch People freed itself, the North American nation established its independence, France shook off absolutism. The bearers of such hallowed traditions cannot deny this right to the German people, that now for the first time has acquired in its internal politics the possibility of living in harmony with its free will based on law. A treaty such as has been proposed to Germany is incompatible with the respect for this innate right. But in the firm determination of fulfilling the obligations stipulated, Germany makes the following counter-proposals.

## SECOND PART

### THE GERMAN PROPOSALS

#### I. THE LEAGUE OF NATIONS

A lasting world peace can be reached only by means of a League of Nations, which shall guarantee equal rights to the lesser as well as to the great powers. In the introductory remarks it has already been shown that this view of the character and object of the League of Nations has been shared by the leading statesmen of the Allied and Associated Powers, as their significant expressions of opinion testify. At the same time it was necessary to show how far the Covenant for a League of Nations, as contained in the draft for a treaty presented by our opponents, differs from these views.

Germany, for her own part, has elaborated a draft for a League of Nations and presented it to the Allied and Associated Governments, regarding which the latter expressed their position in a note of May 22, 1919.

Without any intention at this time of dwelling upon the views expressed in the note, the German Delegation are prepared to negotiate upon the basis of the draft for a League of Nations contained in the peace treaty draft, under the condition that Germany shall enter the League of Nations as a power with equal privileges as soon as the peace document agreed upon has been signed.

At the same time Germany must demand further that, without in any way relinquishing the fundamental ideas of its own draft for a League of Nations and in the expectation that these fundamental ideas will be carried in the course of time, regulations regarding economic relations be introduced in the draft for the League of Nations which shall guarantee complete equality and reciprocity to all nations. In agreement with President Wilson's words in point 3 of his speech before Congress on the 8th of



January, 1918, mentioned above, the following supplement to the Covenant for a League of Nations is proposed:

In carrying on trade, industry and agriculture the citizens of any one State of the League shall have equal rights with the citizens of any other State member of the League when doing business there, particularly regarding payment of dues and imposts connected therewith.

The members of the League of Nations shall not participate directly or indirectly in measures designed to continue or to resume the economic war. Measures of constraint shall be reserved to the League of Nations. Goods of all kinds which may come from the territory of one member of the League of Nations or which are being sent to that of another shall be free from all transit dues in the territory of the States of the League.

Mutual intercourse within the League of Nations shall not be interfered with by prohibitions of imports, exports or transit unless these measures are required to maintain public safety and health, or as measures against contagious diseases, or for the purpose of carrying out internal economic legislation.

Individual members of the League shall be at liberty, within the compass of the League, to regulate their economic relations with one another in cases other than those mentioned above, with due regard for their special needs by means of supplementary agreements.

They acknowledge the creation of a commercial treaty comprising the whole world to be the aim of their endeavors.

At the same time care must be taken that no State member of the League, nor a majority of such, shall have the right to interfere with the internal economic or commercial relations of another State of the League.

Furthermore, Germany must demand, in agreement with President Wilson's declaration of September 27, 1918, "that within the League of Nations there shall be no special, selfish economic combinations; that no employment of any form of economic boycott or exclusion shall be permissible."

The German Delegation notice with satisfaction that their opponents' draft for a League of Nations contains a regulation which provides for a fair and humanitarian determination of the conditions of labor, and express the hope that the application



of this regulation will realize the ideas which form the fundamental basis of the German proposal for a League of Nations.

Sustained by the thought that the League of Nations proposes to carry out the idea of justice, and with the expectation that Germany may enter the League with equal privileges immediately upon the conclusion of peace, the Government of the German Republic is prepared to agree to the fundamental ideas for the regulation of army, navy and air forces as proposed in Part V. It is especially ready to agree to the abolition of universal compulsory military service under the condition that this measure be the beginning of a general reduction of armaments by all nations and that later, two years after the conclusion of peace, the other States, according to Article VIII of our opponents' draft for a League of Nations, reduce their armaments and abolish compulsory service. The readiness of the Government of the German Republic to agree to reduce its armaments before the other powers do so is the best proof that it has forever abandoned all militaristic and imperialistic tendencies.

The German Government must, however, demand that it be granted a period of transition also. The following regulations are accordingly proposed for Germany:

The German land forces shall not exceed a total of 100,000 men, including officers and depots. This army is intended to preserve order within the confines of the country, to protect its frontiers and to provide for the obligations incumbent upon Germany upon its admittance to the League of Nations.

During the period of transition Germany retains the right to maintain such forces as are required to preserve internal order, which is so much shaken at the present time. The duration of the period of transition and the strength of the army are to be especially agreed upon and in case of necessity determined by the League of Nations.

The organization of the army and its armament shall be left to Germany, as it is to each member of the League.

Under the presumption that Germany shall enter the League of Nations upon the conclusion of peace and in expectation of further reciprocity, Germany is prepared, in agreement with the draft for peace, to dismantle the fortresses in the West and to establish a neutral zone.

A special agreement must first be made concerning the manner of preserving internal order and safety in this zone.

Under the condition of a financial regulation, Germany is prepared to surrender not only surface warships demanded in article 185, but all ships of the line.

The principle that no state shall be subjected to any special supervision of the process of its disarmament except by the League holds good for Germany also.

The German Government is prepared to enter into negotiations regarding all further matters of detail upon a basis of equality. An extension of the time allowed in Section V—a provision which it is technically impossible to fulfill—and the manner of utilizing superfluous war material of the Army and Navy for peaceful and, in particular, economic objects, must be given due consideration.

In the field of aeronautics Germany is ready to submit to every regulation to which all members of the League of Nations are subjected and also to allow to every member of the League those rights as to transit and landing in her territory which are allowed to Germany by all other powers.

To bring about a speedy conclusion of all details the German Government proposes immediate oral negotiations. She reserves the right to discuss the preparation of the details of the military and naval conditions of the draft in a special note.

It is the principal and most valuable aim of peace to provide security that this war shall have been the last and that humanity shall be preserved from the return of such terrible catastrophies. Germany is prepared to do everything within her power to gain this end. According to the above propositions it would not be her fault, if the nations of the world were disappointed in this expectation and if conditions were created which would of necessity lead to new wars.

## II. TERRITORIAL QUESTIONS

### 1. Right of self-determination.

#### A.

No territory shall be separated from Germany where national adherence has been proved to be indisputable by harmonious union with the German State for centuries, or whose population has not declared its consent to such a separation.

These principles are in accordance with the basis of right recognized by both parties for the settlement of territorial questions, as laid down in President Wilson's four points before Congress, February 11, 1918, and here quoted again:

"The principles to be applied are these: First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent;

"Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now forever discredited, of the balance of power; but that

"Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states; and

"Fourth, that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world."

Besides, attention must be called to point 2 in the speech made by President Wilson, at Mount Vernon, July 4, 1918, beginning:

"The settlement of every question whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own external influence or mastery."

From this it becomes evident that

1. The cession of territories like Upper Silesia which had belonged since 1163 to the German State, or the Saar district, which, excluding recent exceptions, based on the violence of war, never was subject to any non-German sovereignty, cannot be demanded;

2. In cases where Germany can give its consent to territorial cession, it must at least be preceded by a plebiscite in every community.

To this vote all nationals of the German Empire beyond the age of twenty, women as well as men, shall be entitled. Only such persons are entitled to vote who have, or at least one year before the conclusion of peace had, their residence in those communities. The election must be strictly secret and security must be afforded for its orderly procedure. This security can only be obtained by the evacuation of all troops from the disputed territories and by placing the vote as well as the administration of those territories up to the time of the voting, under the control of a neutral authority composed of nationals of the states of Denmark, the Netherlands, Norway, Sweden, Switzerland or Spain. If enclaves arise they shall be mutually exchanged. In the fixation of frontiers care must be taken that the number of German nationals in the voting area passing under the sovereignty of the acquiring State shall not surpass that of the nationals belonging to the latter and passing under German sovereignty. No material advantages of any kind tending to influence the vote must be promised; especially inadmissible are promises in respect to eventual exemption from material obligations in case a bit of German territory should pass over to another State. Freedom in voting implies impunity for any activity in connection with the vote. The vote itself shall only take place after the conclusion of peace and the return of orderly conditions. If necessary, the date shall be fixed by the League of Nations.

#### B.

Germany advocates in principle the protection of national minorities. This protection may be settled to the best purpose within the scope of the League of Nations. Germany on her part, however, must demand such assurances as are already fixed by the peace treaty for those German minorities which, by cession, will pass over into alien sovereignty. Such minorities must be afforded the possibility of cultivating their German characteristics, especially through permission to maintain and attend German schools and churches, and to publish German papers. A still more extensive cultural autonomy based on national registration (*Kataster*) would be desirable. Germany on her part is resolved to treat minorities of alien origin in her territories according to the same principles.



## C.

The right of self-determination must not be a principle which is to be applied solely to the disadvantage of Germany; it must, on the contrary, be equally valid in all states and must especially be applied where a population of German origin desires adherence to the territory of the German Empire.

## 2. Belgium

The draft of the peace treaty demands of Germany the recognition of the complete sovereignty of Belgium over Neutral-Moresnet, as well as the cession of the district (*Kreis*) of Eupen and Malmédy. Neutral-Moresnet owes its origin to the Prussian-Dutch frontier treaty of June 26, 1816. It is a district with 3,500 inhabitants, the majority of which are German by origin and language. The provisions of the treaty have generally been interpreted to mean that Prussia had a claim to the sovereignty of this territory and that her rights in it were only limited by certain joint rights on the part of Belgium. Prussian Moresnet, too, which belongs to the district of Eupen, has a predominantly German population. Nevertheless, not even a plebiscite has been provided in these territories.

Historically the districts of Eupen and Malmédy have never belonged to Belgium, or to any of the political formations which may be considered as predecessors of the present Belgium. In respect of nationality, the district of Eupen is purely German; out of 25,000 inhabitants during the last census only ninety-eight named Walloonian as their mother tongue.

The district of Malmédy has among its 37,000 inhabitants a population of about 9,500 souls speaking Walloonian as their mother tongue. The Walloonians therefore are considerably in the minority. The Walloonian spoken in the district (*Kreis*) of Malmédy, moreover, so widely differs from the Walloonian dialect spoken in Belgium, and above all from the French language, that the respective populations can only with difficulty understand each other. The Walloonians of Prussia have, from the time of their adherence to Prussia, always proved themselves to be faithful Prussian citizens. It is only since the days of occupation by the enemy that, through the Belgians, an artificial agitation for annexation to Belgium has been fostered.

The German Government cannot, on principle, consent to the



cession of indisputably German territories; and a vote cannot be applied to such territories. But apart from this, the demand of a cession of the districts of Eupen and Malmédy to Belgium contravenes the principle according to which the settlement of all questions regarding sovereignty is to be brought about, on the basis of free acceptance on the part of the population immediately concerned.

A plebiscite has not even been provided for; it has merely been decided that within six months from the ratification of the treaty, lists are to be opened by the Belgian authorities in Eupen and Malmédy, and that the population shall be entitled to express therein a desire that these territories should remain entirely or partially under German sovereignty. There exists, therefore, not the least guarantee for an uninfluenced procedure in the voting.

The Allied and Associated Governments have expressed a desire that the great forest wealth of the Eupen district, comprising a part of the Herzogenforest, shall serve as a substitute for the Belgian forests destroyed by the war. The German Government declares itself ready, by contracting for the supply of wood, to comply with these aspirations, which, in accordance with President Wilson's points are not unjustifiable so far as it is a question of reparation.

But this desire of the Allied and Associated Governments cannot form the occasion for a cession of Eupen and Malmédy. The German Government must point out the inadmissibility of bartering human beings from one sovereignty to another, merely for the sake of wood and zinc ore.

### 3. Luxemburg

It seems necessary for Germany to come to an agreement with Luxemburg regarding a new adjustment of their mutual relations. Consent cannot be given to the economic proposals as by them Luxemburg would continue to benefit by all the advantages ensuing from membership in the German Customs Union, from which she simultaneously separates herself. The principle of reciprocity must be maintained.

### 4. The Saar District

An exchange of notes on the question of the Saar district has already taken place.

In its notes of the 13th and 16th of May, the German Government manifested its readiness to agree to a solution which, on the one hand, would offer France compensation for her destroyed coal mines with all justified guarantees, and, on the other, would enable Germany to give her consent to a settlement which accorded with the fundamental principles of peace as expressed in the preliminaries of the peace treaty. The German Government once more accurately defines its attitude in the Saar question, in the following terms:

The frontiers of the territory the nationality of which, "*en compensation de la destruction des mines de charbon dans le nord de la France*," has been questioned, are drawn so as to extend far beyond the region where coal is found, including in addition extensive forests, numerous lime works, glass factories, and other very profitable and partially world-renowned industries. By the new customs frontiers these industries would be included in the sphere of French economic interests, with the result that other purposes, in no way connected with the compensation for the destroyed mines, would be attained. But, if only the cession of the coal mines to the French State were demanded, as the object of compensation it would even then stand in no proportion to the destroyed French mines.

As declared already in the notes of May 13 and 16, and manifested again in the present memorandum, the German Government is prepared to guarantee the coal demanded by contracts of supply and by shares.

According to the opinion on the economic situation expressed by the Allied and Associated Governments in their note of May 22, it would likewise be a fundamental error to believe in the necessity of exercising political sovereignty in a country in order to secure thereby an adequate portion of its production. Such a conception is not based upon any economic or political law.

Cession would be a rapid but unjust solution of the problem. The reconstruction of the coal mines in northern France will, at the latest, be completed after ten years. The deficit in the annual output which has to be provided for by Germany, will even in the first year, according to statistics of the French Government, arrive at a maximum of twenty million tons annually. The supply of coal in the mines of northern France has, as a matter of fact, not been diminished by their destruction. The amount of coal in the

Saar mines, as has been demonstrated with certainty, exceeds 11,000 million tons, a quantity which would suffice for about 1,000 years.

By transferring the ownership of these mines, France would thus obtain a hundredfold that which she herself has described as the maximum of her justified demands. In order to accomplish this, the draft of the peace treaty formulates a demand which tears from the German Empire a purely German territory, gives France economic control over it, and attempts also to annex it politically to France.

There is no industrial district in Germany whose population is as homogeneous, as purely German, and as little "complex" as that of the Saar district. Among the 650,000 inhabitants there were in 1918 not even 100 French. For more than 1,000 years (since the treaty of Meersen, in the year 870) the Saar district has been German. Temporary occupations, brought about by enterprises of war on the part of France, always terminated at the conclusion of peace, after a short lapse of time, in the restitution of the country. In a period stretching over 1,048 years France has possessed the country no longer than sixty-eight years. When, in fixing the frontier in the first Peace of Paris, 1814, a small part of the territory now claimed, was retained by France, the people rose in protest and demanded "reunion with their German Fatherland," with which they were "related" by bonds "of language, customs and religion." After an occupation of one and one-quarter year's duration, this demand was satisfied in the second Peace of Paris, 1815. Since then the country has been attached to Germany uninterruptedly and owes to this connection its economic prosperity.

Even today the sentiments of the people are as German as they were 100 years ago. The workmen's organizations, the citizens and artisans, the industries and all the political parties are united by one ambition: to remain members of Germany even though she be beaten and impoverished. And because the occupying power prevents them from any free expression of opinion, they have repeatedly and clearly, through deputies elected from the district and through appointed representatives, rendered public evidence of this desire. Such a population is, on account of its connection with coal mines, to be placed under a special form of government provided by the League of Nations, without enjoying

any rights under the "Commission of Five," which shall be appointed by the League of Nations. This Commission, whose seat need not even be in the Saar district, is not responsible to the population for its actions. Only *one* of its members must be a native and a resident of the Saar district, an arrangement, which offers no security whatever that he may not be one of the few foreigners living in the country. This member is not to be elected by the people but appointed, subject to recall, by the Council of the League of Nations. Along with four representatives of other States this member shall decide on the fate of the population with a power practically unlimited. A representation of the people with any legislative competence does not exist. The population loses all rights of citizenship; they are politically outside the law.

The use of the German language, the schools and religious practice are placed under control, and the French State is authorized to establish public and technical schools with French as their official language, taught by teachers of its own choice. The future position of every official and employee is rendered quite uncertain. There is the danger that in the Saar district labor legislation will be evolved on principles different from those of the remainder of Germany. The chief right of the citizen of the Saar district is that of emigration, but there is no law to protect him from expulsion.

These decisions are aimed at a population who fervently cling to their country, because, a considerable part of them being small landowners, they are attached to its soil. Out of the 52,000 miners more than 20,000 are owners of landed property. The importation of foreign laborers, which endangers the interests of German workmen, is not subject to any restrictions. Facilities are offered for the acquisition of an alien nationality. All this, together with undefined prescriptions about customs conditions, coinage, administration, railway traffic and many other arrangements, offers every possibility to sever completely the connection between the Saar district and the remainder of the Empire. The steps taken during the armistice have shown what the population of this Saar district will have to endure in the future. From the days of their appearance the authorities of the French Occupation Forces have taken recourse to every possible means in order to prepare the people for annexation to France. Every attempt is made to



induce a population who have been exhausted by the hunger blockade and the exertions of the war, to apply already for French citizenship. Many who not only cling in their hearts to the old Fatherland, but make public profession of their attachment, are expelled from the country.

And all this is demanded "en compensation de la destruction des mines de charbon dans le nord de la France et à valoir sur le montant de la réparation des dommages de la guerre dûs par l'Allemagne." Do the Allied and Associated Governments think that the German Government can consent to such a proposal?—The question of reparation for the mines of northern France can be settled only on an economic basis and on no other.

The attempt to tear away a nationally undisputed territory from the Fatherland, merely for the sake of material interests, and to place it for the present under the League of Nations, must degrade the idea of the League of Nations.

The object of the provisions about the Saar district is, according to the note of May 24, an exemplary reparation. The German Government declines to make any reparation as a form of punishment. And it must decline still more emphatically to shift to certain parts of the population punishment in the form of national sufferings which is intended for the whole community.

By this annexation of the Saar district to France the same injustice would be committed for which reparation was demanded from Germany in the case of Alsace-Lorraine. The population of a district was separated from the mother country in spite of the solemn protest of its representatives. He who recommends such a solution to France and Germany, introduces new germs for conflict into the relations between the German and the French people.

The proposal made in the last note on May 24, to withdraw the obligation of payment in gold in case of a repurchase of the coal mines, does not essentially touch the problem. The German Government, which now has presented the whole of its far-reaching proposals for reparation, must therefore leave it to the most serious consideration of the Allied and Associated Governments to submit the proposed solution of the Saar question once more to a searching examination.

## 5. Alsace-Lorraine

For the most part, Alsace-Lorraine is old German territory,



having become more than a thousand years ago a part of the old German Empire. In the seventeenth and eighteenth centuries the German parts passed, mainly by conquest, under French sovereignty, without any reference to the wishes of the people, and frequently in the face of their open resistance. The French régime has indeed succeeded in bringing about a political annexation to France, but the racial and political characteristics of the inhabitants have been so little influenced that even today four-fifths of the country's population is still German in its language and customs.

When Germany in 1871, on the occasion of the re-annexion of these territories, abstained from inquiring into the wishes of the population, she believed she was justified in doing so by the previous procedure of France and by the racial kinship of the population. Notwithstanding, it must be admitted that, according to the present general conceptions of right, an injustice was committed in 1871 by the failure to hold a plebiscite.

The German Government has therefore pledged itself to make reparation for this injury according to the points of the program universally recognized. But reparation would not be made, it would only be replaced by a new and greater injustice, if Alsace-Lorraine were now to be ceded forthwith to France. It would be tearing this territory away from a national unit to which by right of language and characteristics it belongs with eighty-seven per cent. of its inhabitants. Another factor of the greatest consequence is its economic connection with Germany, a connection which has been strengthened to the highest degree since 1871 by the development of its natural resources and the growth of its manifold industries, which found their market in a Germany ready and able to purchase.

If, therefore, inquiry is not made now into the wishes of the people of Alsace-Lorraine, the purpose aimed at in the settlement of this question—"to make a peace in the interest of all"—will not be achieved. The danger would rather arise that, in the future, this question would be the cause of new hatred among the nations.

The vote will have to extend to the entire population of Alsace-Lorraine, and it must provide for the three following possibilities:

- (a) Union with France,
- (b) Union with the German Empire as a Free State, or

(c) Complete independence, especially liberty of economic relations with any of its neighbors.

The special provisions for Alsace-Lorraine made in the peace draft seem to assume that the proposed plebiscite will result in a decision for annexation to France, a fact which gives occasion for the following provisional remarks (all further remarks of any nature on this point, as well as on the full contents of the peace conditions must be reserved):

There is no justification for the demand that the date of the cession be set back to the day of the conclusion of the armistice. Even the draft has not provided for a postdating in the other cases where territorial cessions are to be effected with or without a plebiscite. It is inadmissible for the simple reason that all legal actions and situations occurring in the interval, in which the nationality of the country and of its inhabitants is of importance, would subsequently undergo certain modifications. Only that moment can be decisive in which the result of the vote is definitely stated.

The question of the nationality of the inhabitants cannot be settled on the basis of the provisions proposed, because they emanate from the conception, erroneous in fact as well as in law, that the political union of the territory with Germany, a union which has existed since 1871, should subsequently be done away with. The settlement must rather be effected according to the principles which have been observed with regard to territorial cessions in recent treaties of peace, and which, in the peace draft, have in the main been considered in the case of other territorial cessions. Consequently, considering the change of nationality arising from the cession of territory, a uniform criterion should be established for all persons affected by the cession. In addition, a liberal right of option and emigration should be introduced. Finally, adequate means should be taken, corresponding to the laws of equity, for securing the rights of such officials as were employed at the time of occupation. After the cession of the country German officials shall only be employed with their consent.

The illegality of the treatment already afforded to German private property in Alsace-Lorraine during the armistice and now to be sanctioned and made possible for the future by the treaty of peace, has already been referred to in the note of the German Delegation of May 22. It will be discussed in detail in the present

memorandum in another connection. Special stress will be laid upon the importance to Germany of maintaining German property in Alsace-Lorraine, especially in the mining district.

The possibility of Germany's renewed participation in commerce and industry should be secured.

As the middle of the Rhine formed the old boundary between Alsace-Lorraine and Baden, the claim for the inclusion of the port of Kehl, which is on the right side of the Rhine, in the French State, as well as the river regulations, do not seem to be justified. Further mention of this question also is made elsewhere.

Concerning the state railways of Alsace-Lorraine, cession should take place only with adequate compensation—according to the agreement of 1871—and should be limited to the lines lying outside territory under German sovereignty. Accordingly the cession of the Eastern part of the Rhine bridges, as well as the systematic transfer of the frontier railway stations to the right bank of the Rhine, cannot be considered.

Equally unjustifiable appears the French claim that the cession of Alsace-Lorraine should form an exception to the provision in international law, which is recognized also by the peace draft, according to which, in a change of territory, the annexing state should take over a part of the national debt of the ceding state and should pay for the national property in the ceded territory. If France now wishes to derive the profits accruing from the hugely increased value of the country, resulting from its economic union with Germany and from the expenditures made by Germany, it is equally justifiable that France should assume a corresponding share of the debts which, in the interval, have been incurred in the interests of Alsace-Lorraine. Compensation should be made for German state property.

Questions of export and import are dealt with in the part of this memorandum dealing with general economic questions.

It is further proposed to settle, by special agreement and on the basis of reciprocity, all questions which the cession of Alsace-Lorraine to France may raise in connection with the insurance of German workmen and employees. This agreement, above all, should extend to claims made already, or about to be made, by the insured of one country against the insurers of the other country, and to the obligations of insurers on both sides. In this case an adequate exchange of capital, taking mutual liabilities into

due consideration, should be adopted. The aforesaid shall, as has been observed earlier in this memorandum, also be valid in respect to the cession of the remaining German territories.

#### 6. German-Austria

Article 80 demands the permanent recognition of the independence of Austria within the frontier established by the treaty of peace of the Allied and Associated Governments. Germany has never had, and never will have, any intention of shifting the Austro-German frontier by force. However, should the population of Austria, whose history and culture have been most intimately connected with its mother country, Germany, for more than a thousand years, desire to restore the national connection with Germany, which was but recently severed by war, Germany cannot pledge herself to oppose that desire of her German brothers in Austria, as the right of self-determination should apply universally and not only to the disadvantage of Germany.

Any other proceeding would be contrary to the principles expressed by President Wilson in his address to Congress on February 11, 1918.

#### 7. Questions concerning the East

Germany has agreed to the creation of an independent Polish State, "which should include the territories inhabited by indisputably Polish populations."

By the settlement of the territorial question in the East provided in Article 27 and 28, fairly large parts of the Prussian provinces of East and West Prussia, Pomerania, Posen and Silesia, which are not inhabited by any indisputably Polish population, are joined to the Polish State. Without regard to the ethnographic situation, a great number of German towns and extensive and thoroughly German tracts of land are added to Poland, only in order to grant Poland favorable military frontiers against Germany, or railway centers of importance. Districts which were separated from Poland centuries ago, or in which she never ruled, are now indiscriminately adjudged to Poland. The acceptance of the proposed settlement would, therefore, be a violation of large territories which are indisputably German. Such a settlement would, moreover, contravene the principle of Wilson, according to which, in the settlement of national questions, it is



inadmissible to create "new elements of discord and antagonism or to perpetuate old elements of this kind, which probably would in the course of time disturb the peace of Europe and consequently the peace of the world."

#### A. Upper Silesia

This particularly applies to Upper Silesia. The proposed separation of the greater part of this district from Germany constitutes a quite unjustifiable inroad into the geographical and economic structure of the German Empire.

Since 1163 Upper Silesia has had no political connection with the Polish Empire. There are no national Polish traditions or memories in Upper Silesia. The Upper Silesian knows nothing about the past or the history of Poland. He has not taken part in the Polish struggles for liberty. On the contrary, he has watched these movements dispassionately from the standpoint of a stranger. Poland cannot assert any claims for the cession of Upper Silesia, especially not such as are based on the principles of President Wilson. The districts of Upper Silesia demanded for Poland are not inhabited by an indisputably Polish population. The will of the population has been clearly expressed in the elections to the Reichstag in 1903 and 1907. Before 1903 not one Polish deputy had been elected. In 1907, at the general, equal, direct and absolutely secret election for the Reichstag the Poles received 115,090 votes, the Germans 176,287; in 1912 the Poles obtained 93,029 and the Germans 210,100 votes; at the time of the elections for the National Assemblies (*Nationalversammlungen*) of the Empire in 1919, when all citizens of either sex above the age of twenty had cast their votes in a general, equal, direct and strictly secret election, the Poles proclaimed their abstention from voting. In spite of this, almost sixty per cent. of all persons entitled to vote voted and they voted for the German candidates nominated. As experience shows that at German elections about ten per cent. of the electors are hindered from voting for external reasons, the Poles can claim for themselves at the highest only one-third of the vote.

Furthermore, after the collapse of the German power, signs of the predominantly German character of Upper Silesia were not missing. According to the new regulations the parents of 250,000 school children were allowed to decide for themselves whether they would have their children taught the German, Polish or



Moravian language. The parents of little less than twenty-two per cent. of the school children have declared themselves in favor of a non-German language.

The Polish language (High Polish) is not the language of the Upper Silesian, who speaks a Polish dialect (*Wasserpölnisch*). This dialect, which is spoken in addition to German by a considerable part of the Upper Silesians, is a mixed language, consisting of German and Polish, which has never been either a literary language or a documentary one. It is not a sign of nationality, especially not a contradiction to the consciousness of German nationality.

According to the last census, the proportion of the Moravian (Czecho-Slovak) population in the district (*Kreis*) of Ratibor amounts to 39.7 per cent.; in the district (*Kreis*) of Leobschütz to but 7.6 per cent. Therefore, with respect to those two districts (*Kreise*) one cannot speak of a predominantly Czecho-Slovak population.

Upper Silesia owes all her intellectual and material development to German activity. The representatives and leaders of art and science, the leaders of economic life in trade and industry, in agriculture and manufacture are, without exception, German; as are the labor leaders and the leaders of trade unions.

Germany cannot dispense with Upper Silesia, whilst Poland is not in need of it.

The most important product of Upper Silesia is coal. During the last year the output of coal in Upper Silesia amounted to forty-three and one-half million metric tons, *i. e.*, twenty-three per cent. of the entire German output of coal, which was one hundred and ninety million metric tons. The cession of Upper Silesia to Poland would not only result in the industrial decline of Upper Silesia, but entail also very serious economic disadvantages for Germany. The coal from Upper Silesia has, up to the present, supplied the whole industry of Eastern Germany, as far as this has not been done by the way of the Baltic with coal from England or Rhineland-Westphalia; it has also supplied some parts of Southern Germany and Bohemia, and in addition to the industries, the gas-works and households especially. Altogether, more than twenty-five million men have been supplied with coal from Upper Silesia. This supply would be seriously endangered, if Upper Silesia were ceded to Poland.

The Polish demand for coal just before the war amounted to approximately ten and one-half million metric tons, while the Polish output of coal from the non-Silesian, Polish collieries adjoining yielded 6.8 million metric tons. One and one-half millions of the deficit were imported from Upper Silesia, the remainder from the mines of the present Czecho-Slovak State. The supply of coal for the Poles, with the exception of a special kind of coal, might be met merely by means of their own mines, especially if Poland would sufficiently exploit her mines, which, in some parts, have not yet been worked to a reasonable extent. To this may be added that Poland received an increased wealth of minerals through the acquisition of Galicia. This especially applies to the recent discovery of coal in Western Galicia.

The cession of Upper Silesia to Poland is not in the interest of the Upper Silesian population. Living conditions in Upper Silesia, especially in the field of health and social precautions, are incomparably better than those in the adjoining Poland, where legislation for the protection of the working people is only just being agitated. The cession of Upper Silesia to Poland is also not in the interest of the remaining States of Europe and of the world, for it is certain to create new elements of discord and antagonism. By taking Upper Silesia away from Germany wounds would be inflicted on her which would never heal, and from the first hour of separation the recovery of the lost territory will be the burning desire of every German. This will greatly endanger the peace of Europe and of the world. It is in the interest of the Allied and Associated Powers themselves to leave Upper Silesia with Germany, for Germany can meet her liabilities resulting from the world war only in conjunction with Upper Silesia, and never without her. For this reason alone Germany cannot consent to a cession of Upper Silesia.

#### B. Posen

It is equally true that the province of Posen as a whole cannot be regarded as a district inhabited by an indisputably Polish population. Large parts of this province have been inhabited for many centuries by a predominantly German population; outside these districts there are enclaves of the same character. So far as the province of Posen, however, is of an indisputably Polish character, the German Empire will meet its liabilities resulting

from the acceptance of Wilson's principles, and will consent to a cession of these districts. The proposals of the enemy concerning the boundary lines are not based on the principle of nationality, as may be pointed out at any time, but on that of the strategic preparation of an attack against German territories. These considerations, however, cannot possess any importance if the relations between Germany and Poland in the future are to be subject to the regulations of the League of Nations.

### C. West Prussia

Almost the whole of the province of West Prussia—with the exception of a few districts (*Kreise*) in the East and the West—is to be annexed to Poland. Even a part of Pomerania is, without the least ethnographic justification, to be torn from Germany. West Prussia is an old German territory; the Teutonic Order of Knights has for all time imprinted upon it a German character; the Polish dominion of 300 years' duration has strengthened the Polish element in the population, but has otherwise left scarcely any trace behind. After deducting the eastern and western districts (*Kreise*) which, according to the draft of the treaty of peace, remain German, the German population in the parts of West Prussia directly or indirectly intended for Poland is more than equal in number to the Poles and the Cassubians—which cannot by any means be identified with the Poles—(about 744,000 Germans against 580,000 Poles and Cassubians); as regards economic, social, and cultural importance—points to which the Poles, in their eastern frontier territories, allude with reference to their relationship to the Ukrainians and Lithuanians—the German population is far superior to the Polish and Cassubian population.

The cession of the greatest part of West Prussia would completely sever East Prussia from the German Empire. This would not be in harmony either with Wilson's program or with the necessities of life of the purely German population of East Prussia, and of the rest of the German people. With the exception of the connecting bridge between Germany and East Prussia, which absolutely must be preserved to Germany, she is, however, ready to cede to Poland those West Prussian districts whose population is undoubtedly Polish.

## D. Danzig

The cession of the purely German Hanseatic town of Danzig and of its surroundings which are likewise purely German, as demanded in articles 100 to 108, is in direct opposition to all assurances given in the declarations of President Wilson. According to the census of December 1, 1910, Danzig showed a vanishing Polish-speaking minority of 3.5 per cent.; the district (*Kreis*) of Danziger Niederung of 1 per cent.; the district (*Kreis*) of Marienburg of 3 percent.; the district (*Kreis*) of Danziger Höhe had only 11 per cent. Even the Poles do not seriously deny that Danzig has always been German in character. The attempt to make Danzig a free city, and to surrender its means of communication and the representation of its rights abroad to the Polish State, would lead to violent opposition and to a continuous state of war in the east. And withal, economic measures have been taken to make all communication between Danzig and Germany extremely difficult—evidently with the purpose of making this purely German territory Polish in the course of time by means of economic pressure. The German Government, therefore, must reject the intended national oppression of Danzig, and must demand that Danzig and its environs remain within the German Empire.

In accepting point 13 of President Wilson's address of January 8, 1918, Germany has agreed that the Polish State to be erected "should be assured a free and secure access to the sea". The German Government has done so in recognition of the address which President Wilson delivered to the Senate on January 22, 1917, when he said:

"So far as practicable, moreover, every great people now struggling toward a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where this cannot be done by the cession of territory, it can no doubt be done by the neutralization of direct rights of way under the general guarantee which will assure peace itself. With a right comity of arrangement no nation need be shut away from free access to the open paths of the world's commerce."

In accordance with the above principles and in order to fulfill the obligation accepted by the German Government, *viz.*, to give Poland a free and secure access to the sea, the German Government is ready to make the ports of Memel, Königsberg, and



Danzig free ports and to grant in these ports far-reaching rights to Poland. By means of a suitable arrangement, every possibility for the erection and utilization of works necessary in the free ports (*e. g.*, docks, landing-places, sheds, wharves, etc.) could be insured by contract to the Polish State. The German Government, moreover, is ready to give all necessary security against differentiation in the scales of charges and in the manner of utilization, by means of a special agreement with the Polish State regarding the use of the railways between Poland and other territories of the former Russian Empire on the one hand and the ports of Memel, Königsberg and Danzig on the other.

The above has been agreed to on the assumption that, on the Polish railways and the railways under Polish influence, Germany shall also be granted, in a like connection, reciprocity and the same privileges for transit through Poland, Lithuania and Livonia. Any scale of charges arrived at through cooperation with the Poles must be exempt from liability to a general application, on the part of the Allied and Associated Governments, to the rest of the German system of railways.

Furthermore, the German Government would be prepared to place at the disposal of the Poles for free use and for free transit, giving far-reaching securities, all navigable waterways leading from Poland, Lithuania, and Livonia through East and West Prussia to the Baltic. Reciprocity on the part of the Poles is likewise assumed as a foregone conclusion.

Regarding the Vistula, the special conditions on inland navigation should be consulted.

#### E. East Prussia

East Prussia, with a German population of about one and one-half million, is to be severed from the territory of the German Empire and, so far as economic control is concerned, is to be completely turned over to Poland. It is bound to be reduced to poverty and eventually fall to Poland. Germany can never allow this to take place.

In the southern parts of East Prussia, the presence of a population with a mother tongue other than German is made use of to demand a plebiscite in those districts (Article 94 and 95). These districts, however, are not inhabited by an indisputably Polish population. The circumstance that, in isolated regions, a non-



German language has survived, is in itself of no moment, for, even in the oldest homogeneous States, this condition may be observed; the Bretons, Welsh, and Basques may be mentioned in this connection. The East Prussian frontier of today has been as it is for about 500 years; the parts of the province in question have, in the majority of cases, never belonged to Poland or to Lithuania. The inhabitants of these regions are foreign to the peoples living outside the German frontier because their history has been a different one for centuries, their culture has taken another direction, and their creed is a different one. The population has, with the exception of a group of foreign agitators, never shown any desire for a separation from Germany; hence, there is no reason to change the political and economic relations of these territories.

The same applies in West Prussia to the districts (*Kreise*) of Stuhm, Marienburg, Marienwerder, and Rosenberg. The district (*Kreis*) of Marienburg has 98 per cent. Germans; Marienwerder, to the right of the Vistula, is likewise almost entirely German; and Rosenberg has 93.7 per cent. Germans. There are districts in Poland in which the percentage of the German population is higher than for instance the percentage of the Polish population in the district (*Kreis*) of Rosenberg. The presence of such small minorities is, according to the program of President Wilson, no reason for any doubt as to the national character of a territory; otherwise the program would lead to the dissolution of every political system.

#### F. Memel

Article 99 demands the separation of a strip of land in the north of the province of East Prussia, comprising the districts (*Kreise*) of Memel and Heydekrug as well as parts of the districts (*Kreise*) of Tilsit and Ragnit. The inhabitants of this territory, including those speaking Lithuanian as their mother tongue, have never desired separation from Germany; they have always proved to be a faithful component part of the German community. As regards the linguistic situation in those territories, only the district (*Kreis*) of Heydekrug, with its fifty-three per cent. Lithuanian-speaking inhabitants, shows, according to the census of 1910, a small majority of inhabitants not speaking German. The Lithuanian mother tongue is represented in the district (*Kreis*) of Memel by only forty-four per cent., in Tilsit by twenty-

three per cent., and in Ragnit by but twelve per cent. The whole territory is predominantly German, also, as regards the number of inhabitants; there are about 68,000 Germans against only about 54,000 inhabitants speaking Lithuanian. Memel particularly is a purely German town; it was founded by Germans in the year 1252 and in all its history has never belonged to Poland or to Lithuania; as in the south, the East Prussian frontier has remained unchanged in this part also since 1422. It must be mentioned in this connection, furthermore, that the inhabitants of this territory speaking Lithuanian as their mother tongue almost without exception master the German tongue, and make regular use of this language even among themselves. A movement for joining the Lithuanian population of the former Russian Empire does not exist in this part, apart from a small group of no weight, especially since the Lithuanian population of the former Russian Empire is Catholic, whereas that of the German territory is Protestant.

The cession of this territory, therefore, must be declined by the German Government.

G. Guarantees to be given to Germany in the eastern districts which are to be ceded

If, in the peace treaty, German territory is ceded to Poland, the protection of its former citizens in these districts is incumbent upon Germany. This duty weighs upon us all the more heavily since the Poles have so far not shown themselves as trustworthy protectors of the rights of national or religious minorities. We are entitled to make this complaint because the members of the present German Government have always struggled against the Polish policy of the old régime. In East Galicia, the governing Polish classes have continually oppressed the Ruthenians. In the parts of the country belonging to Germany but now administered by the Poles, the German inhabitants are treated harshly, sometimes even cruelly.

What dangers threaten the national minorities in Poland is shown most clearly by the massacres practiced on the Jewish population since November 11. Reference is made to the letter just published by a member of the American Food Commission concerning the wholesale murders committed in Pinsk, which

the local authorities favored and the Government let go unpunished.

Should the new Poland be formed according to the provisions of the peace draft, without the necessary guarantees for the minority peoples being accurately established at the same time, it would mean the advancement of the pogrom limit far towards the west.

In any case, the future development of Poland and the special conditions which will result cannot be determined today, and it appears natural that Germany should take an especially earnest interest in those of its subjects who are about to trust themselves to a particularly uncertain future.

The German Government cannot declare its agreement in all points with the provision for the option proposed in Article 91. It reserves its objections and its desires for an amendment.

The German Delegation protest on principle against the fact that, according to Article 90, paragraph 2, German nationals who have settled in the ceded districts since the 1st of January, 1908, can acquire Polish nationality only by special authorization of the Polish State. There is no reason for treating the Germans who settled in the districts in dispute after the 1st of January, 1908, differently from those who had settled there earlier. In any case, no basis for such differentiation can be found in the expropriation law, which has been carried out in only one instance.

Furthermore, more effective security is needed for the rights and interests of the settlers of all kinds who were brought in during the course of the Prussian colonization, as well as for the rights of the State officials who have been active in the district to be ceded, and of the communal organizations and communes, the churches and other religious societies, and of officials charged with the administration of justice and of teachers.

The damages caused by the Polish disturbances of the past months, and by the efforts made to subdue them, should be fixed by a commission composed of an equal number of members of both parties. The liability of compensation for damages should be laid upon the State to which the district in which they took place ultimately falls.

No one shall be subjected to judicial punishment or exposed to any other injury for having taken part in the recent Polish risings or in the efforts made to subdue them.

## 8. Schleswig

Although the German Government has declared its readiness to meet the Danish wishes for a new frontier corresponding to the principle of nationality, using the peace negotiations as a round-about means of establishing it, it cannot refrain from referring to the fact that the Schleswig question is not expressly mentioned in President Wilson's points. If Germany agrees to a plebiscite in Schleswig, she does this because she recognizes the right of self-determination of the people's.

The German Government is, nevertheless, not in a position to accept the formation of the voting districts, as well as the method, and the time of voting, as proposed in the draft of the peace treaty.

She makes instead the following counter-proposals:

*a.* The boundary of this voting district towards the south shall coincide with the dividing line between the linguistic majorities, so that those communes shall vote which contain more than fifty per cent. of Danes in an unbroken territorial unity. This gives a line south of Röm, north of Hoyer, south of Mögeltondern, north of Tondern, southwest of Bohrkarr, south of Ladelund, north of Karlun, south of Branstedt, south of Weesby, north of Medelby, south of Jardelund, north of Wallebüll, north of Ellund, south of Fröslee, west of Harrislee, Pattburg, Niehuus, north of Krusau, south of Hönschnap, near Süderhaff, running into the Flensburg inlet and with that into the Baltic.

*b.* In this whole district the voting shall be by communes.

*c.* The voting shall take place on one and the same day for the whole district, which day is left for a more exact determination.

*d.* The German authorities and administrative organization shall remain as they are during the voting, but shall be subordinated to an impartial commission composed of an equal number of Germans and Danes with a Swede as foreman. This commission shall have unlimited right of supervision.

An expression of opinion is reserved regarding the questions which concern the cession and which are partially treated in Articles 110 to 113 of the draft.

## 9. Heligoland

The dismantling is conceded. Any measures necessary, how-



ever, in the interest of the insular population, as well as of peaceful navigation and fishing, must be maintained for the protection of the coast and of the fishing port.

#### 10. Colonies

Article 119 of the draft demands that Germany shall renounce all her rights and titles over her oversea possessions. This regulation is in irreconcilable contradiction to point 5 of the Address to Congress of January 8, 1918, in which President Wilson promises a free, sincere and absolutely impartial settlement of all colonial claims. The basis of every impartial settlement is that, before the decision, the parties should be heard and their claims examined. Article 119 at once rejects the German claims without even giving Germany a chance to put them forward.

Germany's claim to her colonies is, first of all, based on the fact that she has acquired them lawfully and has developed them by means of incessant and fruitful toil and at the cost of many sacrifices. Her ownership of them has been acknowledged by all the Powers. Whenever conflicts have arisen with other Powers over particular sections of territory, they have been settled by means of agreements or arbitration.

The possession of her colonies will be even more necessary for Germany in the future than in the past, since, if only on account of her low rate of exchange, she must be able to acquire from her own colonies, as far as possible, the raw materials necessary to her economic life. Her earning capacity having been reduced owing to the result of the war, she also requires the profits accruing from home production.

Moreover, Germany needs her colonies as a market for her industries, in order that she may be able to pay for raw materials with her own manufactures and may have a field of activity for commerce. Germany is looking towards these resources to meet the liabilities imposed upon her in the peace treaty.

Finally, Germany requires colonies in order to have territory where at least a part of her surplus population may settle, the more so as the result of the war increases the necessity for, and reduces the possibility of emigration.

As a great civilized nation the German people have the right and the duty to cooperate in the joint task which devolves upon civilized mankind of exploring the world scientifically and of



educating the backward races. In this direction she has achieved great things in her colonies. This assertion, and the claim based upon it, are not affected by the fact that, in the administration of the German colonies, blunders and mistakes have been made such as are to be found in the colonial history of all nations. Germany has a moral claim to the right to continue her successful work.

The interests of the colored population in these regions are based likewise upon Germany's right to remain in the possession of her colonies. The German administration has abolished the devastating and incessant predatory warfare between the tribes, the high-handedness of the chiefs and witch-doctors, the kidnapping of slaves and the slave-trade, and the accompanying insecurity of life and property. It has brought peace and order to the country, and has created the conditions necessary for the safety of intercourse and commerce. An impartial jurisdiction, taking into consideration the point of view and customs of the natives, offered protection from oppression and exploitation, even by the white man. The opening of the country, by means of roads and railways, to world intercourse and its own trade, and the promotion of the existing culture and the introduction of a new civilization have raised the economic life of the natives to a higher level. The administration endeavored, at the same time, to protect the native population by means of far-reaching social provisions, especially by labor legislation and the control of the conclusion of contracts between white men and natives. The scientific investigation and the methodical fighting of human and animal diseases (malaria, smallpox, sleeping-sickness, rinderpest) in which first-rate German experts, like Robert Koch, took an active part, comprehensive sanitary and hygienic measures, and the erection of hospitals have had the most beneficial effects on the life and health of the natives.

A well-organized system of education, including vocational and agricultural schools, provided intellectual and practical education for the natives. The German colonies belonged to the most rapidly and most hopefully developing fields of activity of the Christian missions of both faiths.

From all this it is apparent that Germany has looked after the interests of her natives. She has, in particular, from the outset strictly refrained from militarizing her natives in any way, and she would, therefore, unconditionally agree to an international

prohibition of militarization. Germany has hitherto taken a most active part in all international regulation of important colonial questions, such as the abolition of the slave-trade, the suppression of the arms traffic, the liquor traffic and the combatting of sleeping-sickness. Even when there was no international obligation, Germany has always—in contradistinction to some other important colonial Powers—adhered to the principle of the open door in her colonies, according the same treatment to foreign subjects as to her own.

Numerous ante-war testimonials of foreign colonial writers of repute, as well as the loyalty of the natives in the German colonies during the war, especially in East Africa, bear witness to the sincerity and the great successes of German colonization.

For the above reasons, the demand of the enemy contained in Articles 119 and 125, that Germany renounce her colonies, is considered unjustified.

Without in any way abandoning or modifying her refusal to renounce her colonies, the following remark is added—with a proviso that it may be supplemented—regarding the conditions under which the cession is demanded:

The demand that all movable and immovable State property in the colonies is to pass into the hands of the mandatory powers without compensation, is unfair and is an unwarranted exception to the principle that Germany shall be credited with the value of the State property in the territories ceded by her. As to the question of debt, the draft of the peace treaty will not allow the ceded colonies or the mandatory powers to take over part of the debt of the Empire and of the Federal States. It ought, accordingly, to be demanded that the State into whose keeping the colonies pass should compensate Germany for all the expenditures which were incurred by the Empire for the benefit of the colonies in question and for their administration, and that the territories to be ceded should continue to be responsible for the liabilities incurred by them.

German private property is to be at the arbitrary disposal of the mandatory States. These may liquidate all property of Germans and of companies controlled by Germans; they may continue the war measures and introduce new measures of the same kind. Moreover, the mandatory States may, according to their own pleasure, drive the Germans from house and home, even if they

have been resident there for years or have been born there, and may permanently debar Germans from taking up any activity in the country. Regardless of all principles of international and public laws, this regulation makes the German an outlaw as far as private right and personal liberty of movement are concerned.

The demand that Germany should compensate French subjects for losses suffered before the war, is in contradiction to the armistice agreement and is unfair in other respects as well.

The demand that Germany is blindly to submit, for all time, to the will of her opponents in regard to the subjects treated in the General Acts of Berlin and Brussels is likewise unfair to a degree.

Accordingly, the German Government arrives at the following conclusions in regard to the German protectorates:

1. For the formal treatment of colonial questions, the following proposal is made:

In No. 5 of the fourteen points of President Wilson's address to Congress of January 8, 1918, an absolutely impartial adjustment of all colonial demands is assured. An impartial adjustment implies the hearing of both parties before a decision is arrived at. Such a hearing has not taken place. In the light of that assurance, and particularly in the light of the principle that in the adjustment of colonial claims the interests of the Governments should carry equal weight with those of the population, the proposal is made that the colonial questions be handed over to a special committee.

2. The following proposal applies to the practical adjustment:

The demand contained in Articles 119 *et seq.* of the draft of peace, concerning Germany's renunciation of her oversea possessions cannot, in the opinion of the German Peace Delegation, be brought into harmony with the stipulations of the armistice, which are based on point 5 of the message of January 8, 1918, to the Congress of the United States. The German Government, on the contrary, considers her claim to the restoration of her colonial possessions just. Germany is ready, however, to administer her colonies according to the principles of the League of Nations—possibly as the mandatory of the latter—if a League of Nations is formed which she can enter at once as a member State, enjoying equal privileges with the other members.

## 11. Kiaochow

Germany is ready to renounce all her rights and privileges regarding Kiaochow and Shantung.

Germany is forced to stipulate, however, that the compensation for State and private property, dealt with in Article 156, Paragraph 2, and Article 157, shall take place according to the general principles contained in the draft of peace regarding such compensations.

## 12. Russia and the Russian States

The German Government does not claim any territory which belonged to the former Russian Empire on August 1, 1914. The German Government regards the question of the constitution, and particularly the question of the independence of the several provinces which were formerly part of the Russian Empire, as an internal affair of these territories, in which it does not intend to interfere.

In Article 15 of the armistice agreement, the German Government renounced the peace treaties of Brest-Litovsk, as well as the supplementary agreements.

The German Government cannot recognize any right on the part of Russia to demand restitution and reparation.

The German Government is able to recognize the validity of treaties and agreements between the Allied and Associated Powers and the States which have been formed or may still be formed in the territories of the former Russian Empire, only if the contents of these agreements are known to her and if she is convinced that the recognition of these agreements will not be rendered impossible, either by her former relations with Russia or with the individual parts of the former Russian Empire, or by her desire to live in peace and friendship with all her eastern neighbors. The same applies to the recognition of the boundaries of these States.

## III. GERMAN RIGHTS AND INTERESTS OUTSIDE OF GERMANY, FOREIGN TRADE AND MARITIME NAVIGATION

According to Article 118 of the draft of the treaty of peace Germany is to have no rights whatsoever outside her European frontiers. She shall pledge herself from the outset to conform to



all measures by which the Allied and Associated Governments may dispose of these rights.

This principle is irreconcilable with the preliminary agreements with respect to the conclusion of peace as are also a great number of special provisions referring to the disposition of Germany's rights outside her frontiers.

The realization of the proposals of the draft and its special provisions is impossible, if Germany is to continue to exist. The fulfillment of the financial obligations towards the Allied and Associated Governments would, moreover, be jeopardized.

Germany needs maritime navigation for the import of her foodstuffs and raw materials, for the export of her merchandise, for the improvement of her paying balance by means of freight profits and for the employment and maintenance of those dependent upon navigation and foreign trade. The tonnage which happened to be in any enemy harbor at the beginning of the war is to be taken away from her in a manner which is not justifiable in international law. The delivery of the entire overseas fleet, including the ships now under construction, is demanded; furthermore, Germany is placed under obligations to build ships (for the account of the Allied and Associated Governments), which will prevent the reconstruction of a German merchant fleet for a considerable time to come—especially as the acquisition of raw materials and of technical accessories (such as coal, iron, machines, etc.) necessary for building ships, is made extremely difficult by the other obligations under which the industry is to be placed.

Along with these demands for German property there is the refusal to recognize the judgments of German Prize Courts regarding enemy and neutral ships and cargoes, while German claims for indemnification arising from the capture, destruction or use of German vessels, and of other property belonging to the shipowners in China and Siam, are repeatedly declared to be null and void, and not in accordance with the general provisions applicable hereto. Just as damages are refused for the vessels in China and Siam, in Italy, Portugal, Brazil, and so forth, so they are denied for those taken from Germany in breach of international law. Germany is to be deprived of all her oversea maritime capital and equipment. Every claim for damages done to German property in contradiction to law during the



war, and even during the period of the armistice (for instance in Italy), is at the outset declared null and void by Article 298 (Annex), whilst on the other hand (Section 9), of further prejudicial measures against German interests there is no prospect of an end. The Allied and Associated Powers have deliberately weakened the prosperity of the German seaports by reserving to themselves the right to turn toward their own countries the passage of emigration in which Germany has acted as an intermediary, to use ports and inland canals practically free from any German control, and, finally, to make in general any kind of arrangements regarding German shipping interests with Germany's former allies—arrangements which Germany must accept without seeing them. This intention is corroborated by the demand that a certain area of the greatest German freeport should be reserved for Czecho-Slovakia, a purely inland state, although this port has always been placed at the disposal of the inhabitants of the present Czecho-Slovak State in a most obliging manner, in order to meet their economic needs. Under these circumstances it is quite impossible to understand how the German mercantile fleet, when after many years it shall have been reconstructed, can encounter conditions on the world's highways, which will make the principle of "perfect freedom of navigation" practical, so far as it is concerned.

The German cables are to be taken away under the title of reparation. This means a restriction of our foreign intelligence service which can in no way be justified and which we must therefore decline, since this service is indispensable both to our commerce and navigation (wireless time signals, weather reports, information for ships concerning routes to be taken or as to danger from mines, etc.) and to direct diplomatic intercourse with our own offices abroad.

Germany's foreign trade is to be excluded from every field of activity. All the privileges, advantages and concessions which Germany had in China are to be taken away; the German rights and privileges in Siam, Liberia, Morocco and Egypt are to be withdrawn and German private property in these countries is to be liquidated. According to Article 147, Germany shall be obliged, without consulting the Egyptian people, to recognize the protectorate proclaimed over Egypt by Great Britain, and thereby to violate Egypt's right of self-determination.

The concessions, privileges and favors acquired in Russia since August 1, 1914 are to be annulled by Article 293. The Reparation Commission will have the power to take away all rights and interests of German nationals in all public utility undertakings, or in all concessions operating in Russia, China, Austria, Hungary, Bulgaria, and Turkey, or in the possessions and dependencies of these States or in any territory which formerly belonged to Germany or her allies (Article 260). The forfeiture of these rights would do Germany a far greater injury than will presumably be their estimated value in money. As a result Germany would be deprived, in flagrant violation of duly acquired rights, of valuable opportunities throughout Europe of procuring raw materials and of selling her products outside her frontiers.

The Allied and Associated Powers maintain the sequestrations and liquidations without allowing any opportunity to contest them. They put German debtors under the obligation to pay their debts, contracted in marks, in foreign currency at the pre-war rate of exchange, *i. e.*, at a rate exceeding several times the former amount of debt. On the other hand, they prevent the German creditors from demanding the amount due to them in foreign currency and from using it directly for reconstruction, since they create an unequal "clearing" procedure, which shall bring together all German claims and credit them on the war indemnity.

The Allied and Associated Powers reserve to themselves the right to retain and liquidate all property, rights and interests of German nationals within the territories belonging to the enemy or to be ceded by Germany (Alsace-Lorraine), and even in the territories of Germany's former allies (Bulgaria, Turkey), without granting any other compensation to the German owner than the right to claim damages from Germany. Germany and her subjects are deprived of every possibility of maintaining their rights against irregular, or, what is more, illegal measures of liquidation.

The Allied and Associated Governments reserve to themselves the right to take, even in the future, exceptional war measures with regard to property, rights and interests of German subjects abroad, although with our credit abroad will be taken away the most important assets by virtue of which German foreign trade might resume its functions, especially as buyer of raw materials. An indemnification, paid by the German Government, can in

no way compensate for the loss from such forfeiture of goods and personal relations, since in this case it is not the value in money, but the specific form which is of decisive importance. Furthermore, every German who goes to live in a country overseas, or even in a German colony, will be placed under an unbearable control and in a position of uncertainty. The Allied and Associated Powers shall decide whether or not he is to be permitted to live in the German colonies. Such prejudicial measures deprive the German merchant of the last chance of slowly reconstructing his business, by assiduous labor. No provision is made in the treaty permitting Germans to resume their former occupations as the subjects of the Allied and Associated Powers are free to do in Germany. If the merchant, thus restricted, tries from his own country to renew the German overseas trade, he is again pursued by the dictatorial powers of the Reparation Commission. Furthermore, all messages sent by submarine cable or by wireless telegraphy, the proper instruments of foreign trade, are to be submitted to the censorship of the Allied and Associated Powers.

The German Delegation, after an absolutely impersonal examination of the above facts, cannot see how these intentions are reconcilable with the principles of an impartial justice, which knows no favors or preferences. On the contrary, to the subjects of the Allied and Associated Powers alone all those liberties are legally secured, which would, as a matter of fact, result from a free and fair competition, but from which the German merchant will be excluded by the erection of insurmountable barriers.

The very things which should have been avoided, "selfish economic combinations and economic boycott or exclusion" are so, far as the Germans are concerned, declared legitimate in any form and in a measure the like of which is not to be found in history.

None of these measures which are taken against German rights and interests abroad can be justified from the standpoint of reparation. They offer, it is true, great advantages to the rival merchant who will compete with the German merchant abroad, but they do nothing towards repairing the damages which Germany has bound herself to make good. They can only be understood on the assumption that the Allied and Associated Powers intend to stamp out German commercial competition. Owing to the behavior of the Allied and Associated Powers during the period of

the armistice and the peace negotiations, this interpretation gains more and more credence among the German people. The German Government hesitates to accept this view, for that would be to admit that the Allied and Associated Powers did not go to war for the high aims which they proclaimed, but rather to do away with a commercial rival, and that, furthermore, having disarmed the enemy by a ruse, they now care nothing about disclosing their true intentions, even to the eyes of posterity.

The German Delegation must lay great stress upon the necessity of abandoning such a one-sided prejudice against Germany's foreign commerce and of granting her full and reciprocal freedom of action within the limits of the demands made by the Allied and Associated Powers for their own trade.

The demand for the delivery of the whole overseas fleet, including the vessels now in construction, as provided for by Annex III to Article 244, is unacceptable. The German Delegation declare themselves ready, however, to take into consideration the meaning of Annex III, according to which the German fleet is to help in filling up the gaps caused by the war.

To accomplish this, Germany might assume her share in the universally necessary transport service by placing her vessels in an international pool, which should be under a joint management, and in which all flags concerned should cooperate upon uniform and equal terms.

Furthermore, Germany is willing—without, however, recognizing the right of the Allied and Associated Powers to demand the replacement ton for ton—to have merchant ships built in German yards, according to Section 5 of the Annex mentioned above, and even to extend these obligations to a higher amount of tonnage and for a longer term of years, according to the productive power of her yards and to special arrangements.

The Delegation further suggest negotiations regarding the possibility of creating a reciprocal participation of Allied and German interests in mutual shipping enterprises.

#### IV. REPARATION

##### 1. Legal basis of the German obligation for reparation

According to the interpretation of the German Delegation, the general legal basis for the treaty of peace, as explained in the



introductory remarks, contains a detailed stipulated agreement regarding Germany's obligation for reparation of damages. The main features of this agreement were explained in the note of the German Delegation of May 24, 1919. According to this, President Wilson's message of January 8, 1918, and the note of the Secretary of State, Mr. Lansing, of November 5, 1918, are decisive in fixing the extent of the German obligation for reparation of damages. President Wilson's message demanded the "restoration of the occupied territories." Thereupon the term "restoration of the occupied territories," as regards Germany, has been defined in the note of the Secretary of State, Mr. Lansing, as meaning that Germany would have to make reparation for all damages which have been done to the civilian population of the Allies and their property by her aggression by land, by sea and from the air.

According to the German interpretation it seemed, and still seems today, obvious that the obligation to make reparation, as thus defined could not apply to any other territories than those whose restoration has been demanded in President Wilson's message, and which has always been declared by the leading statesmen of our opponents to be their aim in the war. An obligation for the reparation of these territories—but for these territories only—was acceptable to Germany inasmuch as she had brought the terrors of war upon a foreign country by a breach of international law, *viz.*, the violation of Belgian neutrality. It is, therefore, solely the attack upon Belgium for which the German Government accepted responsibility when signing the armistice. The responsibility, consequently, applies only to Belgium. It will, however, be acknowledged likewise for the north of France, as the German armies reached the territory of Northern France by passing through Belgian territory, whose neutrality had been violated. An extension of the obligation of reparation to the occupied territories of Italy, Montenegro, Servia and Roumania must, however, be opposed, for the simple reason that in these countries there is no question of an attack by Germany contrary to international law. Italy and Roumania even took part in the fighting against us, notwithstanding their obligations to Germany as allies at the beginning of the war. Neither can any obligation for reparation as regards Poland be accepted since Poland was on peaceful terms with Germany on November 5, 1918, nor was the reparation of Poland mentioned in the message of January 8, 1918.



The obligation of Germany which was agreed upon amounts, therefore, to the following: that compensation should be made for all damages sustained by the civil population of the Allies in those territories in Belgium and France which were occupied by the German troops. Moreover, the obligation is not limited to the property destroyed; it includes, on the contrary, every damage which the said civilian population has suffered in person or in property.

The draft of the terms of peace presented by the Allied and Associated Powers exceeds the solemn declarations and agreements of 1918. Article 231 of the draft demands that Germany and her allies accept, in principle, full responsibility for all losses and damages which the Allied and Associated Governments and their respective subjects have suffered through the war. The Allied and Associated Governments demand further, according to Article 232, paragraph 2, that Germany should, in the first place, hold herself responsible for making compensation for all damages which have been inflicted, by her attacks on land, on water and from the air, upon the civilian population of the Allied and Associated Powers and their property, and, in addition, in general for the reparation of the damages defined in Annex I to Article 232. This annex, however, deals only in the smallest degree with the damages inflicted upon the civilian population of the occupied territories.

Mention is made of:

1. Losses to civilian subjects of the Allied and Associated Powers, which were caused in other than the occupied territories;
2. Losses to the Allied and Associated States themselves;
3. Losses to military persons of these States;
4. Damages which Allied, not German, attack has inflicted upon the Allied and Associated Powers, their military persons and their civilian population.

The demands thus stipulated by the Allied and Associated Governments lead to the belief that they wish to establish, in excess of the arrangements agreed upon, an obligation for reparation for every action committed in violation of international law during the war. As already declared in the note of May 24, the principle of responsibility for violations of international law has been recognized by Germany. It goes without saying, however, that, if the point of view agreed upon in the arrangement should

be abandoned, Germany could no longer abide by the renunciation of her demands for reparation contained in this arrangement, but that she, on her part, would have to make considerable claims for compensation for damages. The only practical solution of the great difficulties which would result from such claims of breaches of international law on both sides would be—as already mentioned in the note of May 24—the establishment of an impartial international court of arbitration.

The German Government, however, believes that it should limit its counter-proposals to the sphere of obligations established by the arrangements made in the fall of 1918. Nevertheless, Germany declares her readiness to assume responsibility for those loans which the Belgian State has placed with its Allies up to November 11, 1918, for war purposes. This is not to be regarded as a renunciation of the legal position as it has been explained, but as a voluntary concession.

## 2. Financial Obligations

As regards the damages to be made good in each particular case, the German Government considers it proper to follow the principle of the French Indemnification Draft of 1916, according to which these damages must be certain, material and direct (*"certains, matériels et directs"*). In this connection, the German Government wishes to point out the fact that some parts of the population of the occupied districts, especially Belgium, have had an opportunity to realize considerable profits during the period of occupation, a fact which is obviously proved by the extraordinarily large circulation of German bank-notes in the districts in question.

From this point of view, the German Government is willing to recognize, on principle, its liability for compensation as mentioned in Annex I to Article 232 under paragraphs 1, 2, 3, 8, 9, and 10. In all these cases, liability for compensation can only be recognized with respect to such damages as have been caused by Germany to civilians in the occupied districts of France and Belgium.

As regards paragraph 4, the German Government repeatedly asserts the principle of reciprocity, in consideration of the sufferings to which German nationals abroad, and in the Colonies—in the latter case partly in violation of the Congo Acts—have

been exposed. For the claims mentioned under paragraphs 5-7, the German Government cannot recognize a legal title, as they apply to direct war costs, and not to damages done to the civilian population by an act of war.

As to the expenses of an army of occupation, the German Government is of the opinion that security by occupation is not necessary. In view of the demobilization by land and by water as agreed to, Germany is completely disarmed. An army of occupation will simply impair Germany's financial power and diminish the payments available each year.

Germany is agreed that the total amount of damages for which she must make compensation shall be definitely fixed according to these principles on or before May 1, 1921, for France in French francs and for Belgium in Belgian francs.

As, in accordance with general principles of justice, no one can at the same time be a party and a judge, and in view of the fact that the injured states are also represented on the Inter-Allied Commission, the German Government does not consider it proper that the "Reparation Commission" (Article 233) should have sole authorization to fix definitively the amount of the damages. The German Government, therefore, proposes that a German Commission be allowed to cooperate so that the two commissions may arrive at an understanding regarding the amount of damage, and that the items which cannot be settled between them be submitted for final decision to a mixed court of arbitration, under neutral presidency.

The same procedure should be applied in fixing the value of the liabilities in kind which Germany has already delivered or will deliver on the indemnity account, including an agreement on the amounts required to supply Germany with food and raw materials, in case such an agreement cannot be reached by the time the treaty is signed (Articles 235 and 236).

The German Government is anxious to cooperate in the restoration of France and Belgium in order to pay off the indemnity in part in German labor, and will, in due course, submit proposals as to the way in which this task, which is common to all civilized nations, can be accomplished with the Allied and Associated Powers in the quickest possible manner.

Moreover, the German Government reserves to itself the right to submit details, either in writing or verbally, respecting those

points of the peace draft which it is proposed in the foregoing to alter. It is the intention of the German Government to indicate here only such general principles as it considers fair.

Germany is resolved to do all in her power to fulfill her obligations to make reparation. In doing so, the German Government is fully aware that the German people will have to bear greater burdens for generations than any other nation.

Germany declares herself ready, in accordance with her ability, to pay as an annuity a certain percentage of the total revenue from the taxes and surplus production of the German Republic and of the individual states.

Germany also recognizes the principle, laid down in Article 234 and in 12b of Annex II, that the German tax system, as a whole, shall not burden the tax payer less than the tax system of the most burdened of the states represented on the "Reparation Commission." In doing so, Germany trusts that the tax system in these states will be worked out on the principle of social justice and upon the basis of economic endurance, in the same manner as in Germany. It is of vital importance to democratic Germany that its political organization should be inspired with a social spirit. For this reason, Germany can bear these heavy burdens only on condition that she will not be dismembered by the final treaty of peace, and that her industrial system as well as the basis of her food supply will not be destroyed, except in so far as this may result from the right of self-determination of the inhabitants of Alsace-Lorraine, Schleswig and parts of the province of Posen. Germany also expects that she will not be refused the right to resume her oversea connections and to regain her colonies, oversea trading settlements and the like; furthermore, that she may retain a mercantile fleet of large ships sufficient to her needs, and finally, that it will be possible, by way of international legal redress, to assess such property as has been removed from the territory of the German Republic.

Germany has assumed the obligations involved in the Lansing Note on the basis of the extent of her territory at that time. Otherwise it would have been an unintentional act of folly to take such heavy burdens on her shoulders, regardless of the diminution of her area, working capacity, raw materials, and food. Should a diminution of her territory take place, as a result of the application of the right of self-determination, the indemnity to be paid



on the 1st of May, 1921, will have to be distributed proportionately and in accordance with the point of view set forth above. The National Assembly has granted credits for that damage which is considered as a resultant of the war. It may be pointed out that the delegates from all the territories, the transfer of which is claimed by our opponents in the draft of the peace treaty, joined in granting these credits. For this reason these districts should also be under an obligation to pay their proportionate share in the debts resulting from the war. The Allies should collect the share and credit it to the reparation account. Any other procedure would seem unjust. Reparation can only result from the industry and activity of the whole population, from which single parts cannot be exempted by putting them under some other government.

As regards the establishment of the annuity, the German Government cannot submit to its being fixed in a one-sided manner by the representatives of the creditors, the "Reparation Commission." The German Government is prepared to submit to this Commission without delay all the material necessary for examining Germany's ability to pay so that the percentage of the government revenues which is to form the annuity can be fixed in connection with a competent German Commission. Matters in dispute should be settled by a mixed commission under neutral presidency.

By these means, it will be possible to ascertain objectively and impartially what obligations Germany can meet without destroying her social and industrial life. Not even the harshest creditor can demand more from a debtor who is willing to fulfill his obligations, but whose capacity to pay is greatly impaired.

It is recognized that due provision should be made for keeping in reserve such sums as are to be paid at certain dates. But it is going too far to appoint a commission for Germany with such dictatorial powers as provided in Annex II to Article 233. It is impossible for any state, especially for a democratic one, to renounce its sovereign rights to the extent demanded. In particular, Germany cannot agree to the demand that she issue laws and regulations as required from time to time by the Commission. The whole constitution, which for Germany also should be based on the right of self-determination, would be endangered, nay, even made null and void. The power of the purse is, in all



democratic states, a means by which the National Assembly exercises its control over the commonwealth. Moreover, the powers vested in the Commission would make it necessary for it to examine each household budget in the German Republic as well as in the individual states and communities. Such a task could never be performed by foreigners. Herein, furthermore, lies a great danger with regard to the payment of the indemnity. It needs merely to be mentioned that, not only the readiness of the whole population to work, but also its willingness to pay taxes will suffer as a consequence, inasmuch as no nation can be compelled to devote its services permanently to foreign powers and to renounce its right of self-government. It follows, as a matter of course, that the payment of the greater part of the German direct taxes would have to be exacted by force.

According to the German proposals the Inter-Allied Commission would be competent in the following matters:

1. In determining the amount of the damage.
2. In determining the value of the payments in kind.
3. In arriving at an agreement concerning the amount to be deducted from payments in kind, in order to supply Germany with food and raw materials.
4. In conducting the examination, which is to be undertaken forthwith, of Germany's capacity to pay, for the purpose of determining the percentage of taxes from Government revenues.

For the technical execution of the payment of the indemnity to be made on or before May 1, 1921, and to be stipulated in accordance with the above, and of the payments to be made on the basis of the fixed boundaries of the respective countries, Germany makes the following proposal:

Germany is ready, within four weeks after the ratification of peace, to issue government bonds for 20,000,000,000 gold marks, payable not later than May 1, 1926, in instalments to be stipulated by the Allied and Associated Powers, and for the remainder of the total indemnity to draw up the required deeds in the same manner and to pay them in yearly instalments without interest, beginning May 1, 1927, with the understanding that the total compensation shall on no account exceed the sum of 100,000,000,000 gold marks, including both the discharges to Belgium for the amounts advanced to her by the Allied and Associated Powers, and the above-mentioned 20,000,000,000 gold marks.

All those payments are to be placed to the credit of the first debentures of 20,000,000,000 gold marks, which Germany, on the basis of the armistice, has already fulfilled or will fulfill, such as railway material, agricultural machinery, war and peace material of all kinds, and the like; also the value of all payments which Germany will have to make after the treaty of peace, and which are to be credited to her on the indemnity account, as for instance the value of railways and public property, the final assumption of national debts, the claims to be ceded to the powers allied with Germany in the war, a certain portion of the freightage gained by the entrance of German commercial tonnage in the world pool; also those payments in kind, which in connection with Annexes III-VI to Part VIII are to be determined by negotiation; furthermore, the value of the work done and the materials supplied by the Germans in the restoration of Belgium and France; and finally, the restitutions to be made to Belgium, in the shape of a contingent special loan, for the amounts advanced to her by the Allied and Associated Powers. For the instalments payable annually and bearing no interest up to the maximum amount of the 80,000,000,000 marks still due, limits provided in view of Germany's solvency shall apply. The instalments shall not exceed the stipulated percentage of the receipts of the German Republic and of the States. Germany is prepared to assume, in favor of the indemnity to be paid to the Allied and Associated Powers, an annual burden equal to its hitherto net peace budget.

Accordingly, the annuity to be paid each year should be fixed as a certain percentage of Germany's revenues from direct and indirect taxes, and from the surplus production and customs, with the understanding that for the customs, payment in gold may be prescribed. This tax, however, in the first ten years shall not exceed the equivalent of 1,000,000,000 gold marks in each case. Two years before the expiration of the ten years there shall be further negotiation regarding the stipulation of a maximum amount.

The payment of the annuities may be secured by a guarantee fund. The German Republic could pledge itself to pay an annuity into this fund up to the year 1926 from the income of indirect taxes, monopolies and duties, and after that to keep this amount permanently at the same level. Only in case Germany should be in arrears with an annuity, could control of this fund

by the Allied and Associated Governments be admitted, and then only until such annuity had been duly paid. It is impossible to admit measures of an arbitrary nature, such as are threatened in Section 18 of Annex II to Article 233 (page 107).

Germany reserves to herself the right to submit additional notes in writing; at the same time the Delegation propose to discuss details verbally.

### 3. Economic Liabilities

As a basis for the further discussions proposed, our position regarding the demands in Annexes III-VI to Part VIII are defined in the following:

#### *Re Annex III: Ships*

In the opinion of the German Delegation, the demands of Annex III are, in the main, in contradiction to the demands made in Article 236. If Germany is to cooperate with all her economic strength in the reconstruction of what has been destroyed by the war, she can, with good faith, accept only such an obligation as is within the limits of her already diminished productive power. Therefore, the German Delegation feel that it would be a mistake for the Allied and Associated Governments to reduce her productive power further by insisting upon the surrender not only of goods and securities, but also of such important means of production as merchant ships, the loss of which must unavoidably lead to a break-down, and in consequence, to the absolute impotence of the German economic apparatus.

As to the demand for the surrender of fishing-vessels, we must add to the points mentioned above, the extraordinary importance of these fishing-vessels just at present for the food supply of the German people as a result of the insufficient supply of meat. Up to date, it has been possible to put to use in Germany only 157 fishing-steamers and 53 luggers. The rest of the fishing-steamers are required for mine-sweeping for several months to come. The draft of the peace treaty demands the surrender of 146 fishing-vessels, *i. e.*, almost the whole of the German fleet of fishing-vessels in use at present. The satisfaction of this demand is therefore impossible simply because of the necessity of securing food for the German people.

The demand for the surrender of the whole oversea mercantile fleet actually existing and under construction is quite inaccept-

able as planned in Annex III to Article 244. The German Delegation are willing, however, to comply with the provision in Annex III that the German fleet should replace the gaps caused by the eventualities of the war. This could be done by Germany's assuming her share in the universally necessary transport service by sailing her ships in an international pool, which provides a cooperation in the management for all nations concerned upon uniform and equal terms. The Delegation, refusing once more to accept the principle of restitution, "ton for ton," declare their willingness to accept engagements for the construction of merchant vessels, according to Section 5 of the Annex referred to, and even to extend such engagements to a larger number of tons and for a longer period, taking into consideration the productivity of the shipyards and further agreements. In this connection the reservation must, of course, be made that the tonnage demanded be reduced in the first year on account of the general situation.

The Delegation further suggest that the question of reciprocal cooperation of Allied and German shipping interests in shipping undertakings on either side be made the subject of negotiation.

So far as the cession of river tonnage for reparation purposes is concerned, the German Delegation point out that Germany can consider only a restitution of such losses as fall within the limits of the reparation obligations recognized by her. As far as the reparation, according to the first paragraph of Section 6, is not covered by the restoration of vessels the identity of which is established, Germany is willing to cede to the Reparation Commission a portion of her river tonnage up to the amount of this difference, but not exceeding ten per cent. of the whole tonnage existing November 11, 1918. This agreement is, however, subject to the following conditions:

1. That river vessels which have come into the hands of the Allied and Associated Governments in Belgium, France and Alsace, shall be taken into account.

2. That in the restoration of vessels purchased in the open market, Germany must be compensated for the value of the vessels, which is yet to be determined. Germany is willing to agree that these values be credited on the reparation account. In determining the value the estimates of both sides must be taken into account; in case there is no agreement, it must be determined by a neutral court of arbitration.



3. That in every case ships of the same class and tonnage shall be substituted for the ships destroyed. If, in this connection, a delivery from the existing supply is not possible without considerably endangering German inland shipping, Germany is willing to restore the rest of the ships by building new ones.

Mention will be made in another connection of the way in which Germany will meet the further question of the cession of river tonnage according to Articles 339 and 357 of the draft.

*Re Annex IV: Machinery, etc.*

The German Delegation are ready to acknowledge the principle that Germany should hold her economic resources directly liable for purposes of reparation. In this point they are willing to meet the demands made upon Germany as far as they possibly can. But they must take care that the economic sovereignty of the German Government is not threatened by the fulfilment of these obligations, or by the control of the Allied and Associated Governments. So far as infringements upon the economic liberty of the German population are necessary in order to perform the accepted obligations, the German Government will undertake them according to its own resolution. From this standpoint the German Delegation must refuse to cede to the Reparation Commission, which is to be constituted according to Article 233, any rights exceeding the above-mentioned principles.

The German Delegation have noted that, according to Section II of Annex II, the Commission shall be bound in its work by justice, equity and good faith. The German Delegation are also of the opinion that these principles are the necessary and foremost condition for a successful settlement of all questions connected with the matter of reparation. For this reason the German Government must claim rights for itself and decline the one-sidedness of the decisions and power of the Commission. In the interests of a practical solution they think it necessary to constitute, in their turn, a commission for the question of the rehabilitation of economic production. This commission shall be bound by the same principles that are laid down in paragraph II of Annex II for the Commission to be constituted by the Allied and Associated Governments. The Delegation propose to leave the execution of the obligations that are to be accepted by Germany in regard to economic liabilities to the cooperation of

the two commissions. The rules for cooperation should be reserved for a special agreement.

In case the two commissions should come to no agreement regarding the execution of the accepted obligations, or with respect to the interpretation of certain prescriptions of the final peace treaty relating to reparation, the decision thereof shall be conferred upon a court of arbitration with a neutral chairman, each of the parties proposing one member for it who, in their turn, shall elect the neutral third member.

Under these conditions the German Delegation are willing to consent to the demands in Annex IV as a whole, but to the several single paragraphs only so far as they are not in contradiction to the above-mentioned reservations and proposals concerning the rights of the Commission. Considering the extraordinary importance of these stipulations, it seems necessary, however, that they shall be made the object of special and detailed discussion. In particular, it must be pointed out here that there are grave objections to these stipulations, especially those in Section 4 of Annex IV. According to Section 4, the disorganization of Germany's industrial life as a result of the requisition of materials, etc., shall be avoided only to the extent of not affecting adversely Germany's ability to perform the acts of reparation stipulated. That is impossible. The German people cannot accept any stipulations that aim at its disorganization. It does not live only to perform reparation; it wants, rather, to reestablish itself while freeing itself from the burden laid upon it.

The demand of Section 4, Annex IV, according to which Germany shall be bound, on request of the Commission, to deliver for reparation purposes machinery, equipment, tools, and the like articles which are in actual use, up to thirty per cent. of the quantity of such articles, should there be no free stock, cannot be accepted in this general form. The German Delegation declare that they are willing, on principle, to undertake expropriation within the limits of the counter-proposals already made or still to be made in further discussions. But, in doing so, it is supposed that these articles are the private property of undertakings not at all or little engaged, and that, therefore, taking all circumstances into consideration, the expropriation seems appropriate. Moreover, if there is no free stock of machinery, etc., available, it must be considered whether it would

not be possible to avoid the removal or seizure of material from plants capable of production by constructing new similar machinery, etc., without serious loss of time.

In this connection the German Delegation declare that they are, on principle, willing to fulfill the demands of Article 238, already accepted in the armistice, and since then performed. As far as restitution of machinery, equipment, tools, and the like articles in actual use are concerned, they must demand that the principle of Section 4, Annex IV be applied, by which restitutions of this kind may be made, first of all, from free stocks of like articles as far as they exist. This principle must be extended so far as to provide that, in case there are no free stocks of like articles, the restitution of such articles shall not be demanded if, by the supply of newly constructed machinery, equipment, tools, and the like, reparation would be neither impaired nor essentially deferred.

The restitution of stallions, as demanded in Section 6, Annex IV, can be performed so far as their identification during the period fixed is possible. On the other hand, the capacity for agricultural production and the state of the food supply make it impossible to fulfill the rest of the demands within the time fixed for the delivery. This is in particular impossible in the case of the delivery of milch cows, which would result in a further increase in infant mortality, which has already grown considerably as a result of the hunger blockade. Already, as the Allied and Associated Governments are aware, the quantity of milk produced in Germany is insufficient to provide the necessary quantity of milk for the sick and the infants. Germany cannot think of delivering cattle, goats, etc., until, by a greater import of fodder, German livestock have grown better in quantity and quality.

On the other hand, in order to fulfill the stipulated restitution of livestock, the German Delegation are willing to consent to purchases in neutral countries, or in the countries of the Allied and Associated Governments, which shall be charged to the account of the German Government. Representatives of the German Government should take part in these purchases. The German Delegation will submit special proposals for annual supplies of horses and other livestock, which they will undertake to deliver at fixed dates, and which are to be credited to the reparation account.

*Re Annex V: Coal*

Provided that the regulation of territorial and economic questions and of the question of reparation will permit her, Germany is willing to do everything in her power to produce for export to France the amount of coal needed by that country and corresponding to the difference between the annual pre-war production of the destroyed mines and their occasional production during the next ten years. Germany acknowledges that these quantities may amount, in the first period, to twenty million metric tons, and after five years, to eight million metric tons annually, and declares herself in accord with these maximum estimates.

Germany and France have a common interest in the prompt reconstruction of the French mines. Germany has at her disposal a great number of firms of wide experience in the sinking of pits in difficult mountainous districts and in the construction of surface equipment of all kinds. It is, therefore, to the interest of both countries that Germany should be given an opportunity to cooperate, in a wide measure, in the promptest reconstruction of the mines. She is also willing to undertake the total or partial reconstruction herself.

It is materially impossible to accord the options for coal demanded in Sections 2 to 5. Neither can they be demanded under the term of reparation. Even in 1913, when the German production of coal reached its maximum with 191.5 million metric tons, only 32.8 million metric tons—coke being computed in coal equivalent—were exported. But since 1913 the production of coal has considerably diminished. In 1918, it amounted to only 161.5 million metric tons, and in the first quarter of 1919, to about twenty-nine million metric tons, which would mean an annual production of 116 million metric tons. Even if it must be admitted that the production during the first quarter of 1919 was unfavorably influenced by strikes and revolts, the main causes of the decrease in production still continue to exist: the reduction, as a result of the war, of the number of skilled and experienced miners, the shortening of the shifts from eight and one-half to seven hours, the decline in working capacity caused by the hunger blockade, and the present bad condition of the equipment. These causes can be gradually abolished only if it shall be possible to remove the difficulties attending production by the import of the necessary raw materials, to improve slowly



the condition of the German food supply, and, after the construction of the necessary houses, to balance the shortening of the shifts by increasing the amount of work. Nevertheless, the German Delegation feel that they must reckon with a decrease of production for the next few years of about thirty per cent. as against that of 1913, that is, a production of 131 million metric tons. Of course, it is true that Germany's own needs will not be as great as they were in 1913, but will amount to about eighty per cent. of the amount required in 1913, *i. e.*, about 116 million metric tons. These calculations do not include the production and the needs of Alsace-Lorraine, but the production and the needs of the Saar district and of Upper Silesia are included. Without the latter Germany could export no coal at all, but would have to import coal.

In Section 10, Annex V, the Allied and Associated Governments have acknowledged the necessity of taking into account the industrial requirements of Germany. It need hardly be mentioned how difficult it is to state in advance Germany's production and requirements. The numbers given above are the result of most careful calculations on the part of experts, and prove that the delivery of the amounts stated in Sections 2-5 is quite impossible. From these calculations it follows that there will be a surplus of fifteen million metric tons available for export. The German Government is willing, however, by continuing the present rationing, to make available another five million metric tons as long as the decrease in the production of the destroyed mines amounts to twenty million metric tons.

The German Delegation must add to the foregoing declaration the condition that, in exchange for these deliveries of coal and coke, the German smelting works will be supplied with their requirements of minette from Lorraine and France. The 1913 supplies should be accepted as a basis, unless the exchange of minette and coke is independently regulated by special agreements or connections between the works on either side.

In order to meet the requirements of France and Belgium, the German Delegation are also willing to agree to an option for the next ten years on the surplus of the whole German production of coal over the home needs of Germany's requirement. Should this surplus not suffice to cover the requirements of these three countries, the German Delegation propose to ration the consump-

tion in Germany, France and Belgium equally. A commission of German, French and Belgian representatives should be constituted in order to supervise the execution of these measures. In these agreements the interests of Italy and Luxemburg should be considered.

As to the price and conditions of delivery, the German Delegation must demand that the general competitive prices be taken into account or paid. The German Delegation are willing to agree that the price, including cost of transport, must not exceed the general export price of British coal of the same quality, including cost of transport. On the other hand, the price must not be less than the price within Germany. Unless the full value brought by her export products abroad is paid or, within the limits of the financial proposals, credited to Germany, Germany could not arrange for the imports necessary for the maintenance of her economic life, and, in consequence, she would not be able to make the payments arising from her reparation obligations.

The details of the above proposals should be regulated by sub-commissions of experts, which should be constituted similarly to the above-mentioned commission.

The German Delegation think it their duty to point out that 13.6 million metric tons out of the above-mentioned export of 33.8 million metric tons in 1913 went to countries of the former Austro-Hungarian Monarchy, and other considerable amounts to countries which have favorable transport conditions to and from the German mining districts. Considering the difficulties of transport existing in Germany and in some countries of the Allied and Associated Governments, and the present lack of tonnage, it would not be in the general interest to deliver only to France the whole surplus available for export. The German Delegation do not make this objection in order to escape their obligations of delivery or to raise difficulties, but they think that they are in agreement with the Allied and Associated Governments in the conception that the economic life of Europe, which has been so severely shaken by the war, requires the most careful distribution of all raw materials and the most economical utilization of means of transport. They suggest, therefore, the constitution of an international commission, which should examine the question of coal distribution and which, by some manner of adjustment, could save many million of transport-kilometres. The German

Delegation must draw attention to the fact that in the near future it will be impossible to deliver to France fifteen to twenty million metric tons of coal annually by German means of transport. A large portion of these amounts would, therefore, have to be conveyed by French means of transport. Even in this case it seems uncertain whether the existing ways of transports (railways, canals) would be sufficient to convey such quantities.

As to the derivatives of coal demanded in Section 8, Annex V, Germany is at present unable to deliver 35,000 tons of benzol annually. In 1913, the production amounted to 10,600 tons monthly, but it has now for several reasons, chiefly on account of the bad condition of the equipment, sunk to 4,000 tons monthly at best. Stocks do not exist. The present production does not even meet the most urgent domestic requirements. Hoping that it will be possible, by the import of benzine and by increasing the production, to improve this state of affairs in Germany, the German Delegation are willing to undertake, for the next three years, the delivery to France of thirty per cent. of that amount of the German production of benzol in excess of 4,000 tons monthly.

Germany is ready to deliver, for the next three years, 50,000 tons of coal tar annually (from coke works or gas works) if they are conveyed for the greater part in French tanks. In consequence of the cessions to the Allied and Associated Governments, and of other losses as well, *e. g.*, in Hungary, it is materially impossible for Germany to convey these quantities in her own tanks.

Germany is further willing to deliver to France, for the next three years, 30,000 tons of sulphate of ammonia annually.

The German Delegation are also willing to undertake to deliver, instead of 50,000 tons of coal tar, the corresponding amounts of the demanded products of distillation from raw tar.

In the fixing of prices, the principles laid down above for coal must be applied accordingly.

#### *Re Annex VI: Chemical Industry*

No connection can be found between the aims of reparation and the demands of Annex VI.

This notwithstanding, the German Government declares itself ready to concede the option demanded in Section 1 of Annex VI, in order to satisfy the immediate requirements of the Allied and

Associated Governments. The demand respecting the fixing of the prices of these quantities cannot, however, be agreed to, as it implies that the right to control the cost prices of dyestuffs and chemical drugs would be conceded to the Commission. To ask for such a surrender of business secrets is, according to the views of the German Delegation, not compatible with the principles of justice, equity, and good faith, laid down in Section II of Annex II.

The demand contained in Section 2 of Annex VI cannot be conceded. The grant of the option asked for would certainly in no way mean an increase in the financial capacity of Germany to fulfill her obligations; on the contrary, the provisions of Section 3 of Annex VI would be at variance with the principle of Section 4 of Annex IV regarding the stipulation of prices, and would in certain circumstances considerably impair the proceeds to be credited to Germany on her reparation account. The advantages which the holders of options would derive from the re-sale of the goods delivered would represent a sort of indirect reparation which cannot be granted, as it would not be credited to Germany on her reparation account.

#### *Re Annex VII: Cable*

These demands are not connected with the reparation, and are treated elsewhere.

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Considering the shortness of the time conceded for the examination of these extraordinarily complicated and momentous proposals, this rejoinder cannot give an exhaustive representation of the German point of view. However, the German Delegation believe that in further negotiations, which in order to be successful ought to be conducted by word of mouth, a settlement may be reached acceptable to both parties on the basis of the proposals submitted and in spite of the reservations made in particular cases. Doubtless, ways and means, which have so far not been considered in the proposals of the Allied and Associated Governments, could be found to attain the desired aim.

In this connection the German Delegation beg to refer to the proposals made in its note of May 16, concerning the safeguarding of coal deliveries through the acquisition of shares in German coal mines. The German Government is ready to extend the



principle applied in this instance to other industries as well, *i. e.*, partially to compensate the owners of destroyed industrial enterprises in Northern France and Belgium by transferring to them a proportionate share in enterprises of the same or similar character in Germany. How to effect these partnerships in each particular case, and how to fix the value of the compensation thus made and to get it credited on the reparation account, could be arranged in the course of further negotiations. The German Government points out, furthermore, that these means afford considerable possibility of the financing of the reconstruction of Belgium and northern France. From this point of view, the German Government is ready, on principle, to effect the transfer of interest in enterprises in Germany to an even greater extent than that indicated above.

#### V. PROVISIONS REGARDING COMMERCIAL POLICY

The basis for the provisions concerning commercial relations which are to be inserted in the treaty of peace, is prescribed in the declarations relating thereto in Wilson's points. As far as they touch economic questions, they read as follows:

A. From the fourteen points of the address to Congress on January 8, 1918:

- I. There shall be no private international action or rulings of any kind.
- II. Absolute freedom of navigation upon the seas, outside territorial waters.
- III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

B. From the four points of the Mount Vernon address on July 4, 1918:

- I. The settlement of every question . . . of economic arrangement . . . upon the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

C. From the speech in New York on September 27, 1918:

- I. No special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement.
- II. There can be no leagues or alliances or special covenants and understandings within the common family of the League of Nations.
- III. There can be no special, selfish economic combinations within the league and no employment of any form of economic boycott or exclusion, except as the power of economic penalty may be vested in the League of Nations itself as a means of discipline and control.
- IV. Economic rivalries and hostilities have been the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.

Germany is therefore entitled, on the strength of the preliminary agreements regarding the contents of the actual treaty of peace, to demand that the economic provisions of the treaty of peace shall be drawn with full regard to the perfect equality of Germany's rights with those of the other nations.

The Allied and Associated Governments are equally interested in seeing this done.

In the exchange of notes preceding the armistice, Germany pledged herself to make far-reaching compensations. Every creditor has the greatest interest in keeping his debtor solvent or in allowing him to regain his solvency. The strength of Germany has been greatly impaired by the blockade which, contrary to international law, prevented raw material and foodstuffs from reaching her. In particular, her capacity and will to work have, owing to undernourishment, been considerably reduced. The growing generation, from which new working power should be drawn, has been especially weakened by the hunger blockade. Germany's foreign trade has been cut off.

Germany can bear the burdens she has taken upon herself and can in future regain a position approximately equal to that of other nations only if economic freedom, similar to that which she enjoyed before the war, is granted to her. Germany must, for

this reason, insist upon being admitted forthwith to the League of Nations and upon participating in the rights and duties of an economic nature proposed in the German draft for the League of Nations, commented upon previously.

It is furthermore proposed to grant unconditionally, for a restricted number of years, reciprocal "most-favored-nation" treatment, in all economic intercourse whatsoever, with some appropriate exceptions, instead of the unilateral rights proposed in the treaty draft submitted by the Allied and Associated Governments.

With respect to the customs regulations to be applied in those parts of Germany which are to be separated from her, it is recognized that the proximity of these districts justifies special treatment during the period of transition. It will, however, be necessary to conduct special negotiations on the basis of reciprocity, not only as regards quantity and description of the particular goods, but also as regards the procedure to be followed. Due attention should be paid to the conditions of production and sale in these districts.

Germany proposes to avoid any tariff restrictions, as they would hardly be accepted by the Allied and Associated Governments. In consideration of the present confused state of affairs, it is, on the contrary, necessary for all States to retain full freedom in the regulation of their tariffs and especially in financial matters. Moreover, it would also be to the interest of the Allied and Associated Governments to leave Germany the possibility of fulfilling her obligations in respect of reparation as quickly as possible by way of customs revenues.

Germany gives her consent to the principle, as expressed by the Allied and Associated Governments in Article 273, that the national certificates or documents of vessels should everywhere be recognized as valid. In the field of navigation she is ready, as she always was before the war, to cooperate to the fullest extent in the task of securing full recognition of the rights of the flag.

Germany is likewise prepared, in future, to repress all unfair competition in concert with the other States, through increased legislative measures.

These questions, as well as the question of industrial, literary and artistic property, could be suitably discussed at an international conference to be summoned in the near future. Ger-

many, in respect to traffic, is also willing to cooperate in the development of international traffic regulations with the force of law, which would, as far as possible, do away with all preferential treatment. Germany also agrees to the complete establishment of equal and reciprocal rights in the matter of maritime and river navigation, which question may either be settled by the League of Nations or by special agreements. She also gives her consent to the proposed development of a system of free ports.

With regard to transport by rail, Germany is ready on principle, under the assumption of reciprocity, to treat all goods of the Allied and Associated Powers carried on the same road and in the same direction in exactly the same way as other foreign or German goods, and not to make any discrimination between goods that have been imported or exported in German vessels and in vessels of the Allied and Associated Powers. Germany proposes that negotiations be started as soon as possible, with a view to carrying out these principles.

She agrees to a renewal of the Berne Convention regarding the transportation of goods by rail. She is also willing to participate, on a footing of equality according to the law of nations, in the further development of provisions for international transport by rail. Germany had already, before the negotiations at Versailles began, indicated to Switzerland her willingness to give her consent to a revision of the St. Gothard Treaty.

In her opinion, all regulations which stand in the way of a free development of technical science (Article 370) ought to be removed.

As regards the surrender of railway lines and rolling stock, the material can be delivered only in its present condition. Also, when ascertaining the amount of the material which is to be ceded, the actual stock shall be the point of departure. An obligation to surrender railway material to Poland cannot be recognized, as Germany has not taken away any railway material from that part of Poland known as "Congress-Poland"; on the contrary, great quantities of German railway material were handed over on the retreat of the German Army; and, in addition, Poland unlawfully retained the railway material lying within the lines of demarcation.

Germany cannot agree to an obligation to build new railway lines by order of the Allied and Associated Powers; neither can



she grant permission to foreign States to construct railway systems in Germany without a previous understanding with them in each particular case. Germany must reject all interference with the traffic and operation of her internal railways.

#### VI. INLAND NAVIGATION

The conditions laid down in Part XII, Section II, Chapters III-IV, referring to the German rivers, are of particularly great importance. The German river system, with all its rivers and canals, is to be administered by international commissions, in which Germany in no case is to have a majority. The compass of the work of these commissions is not fixed and can therefore be extended *ad libitum*. The commissions would thereby be in a position, for all practical means and purposes, to exercise an absolute economic control over the whole of Germany's internal waterways, while at the same time they would obtain indirectly full power over the German railway systems. By Article 325 Germany is forbidden to take any measures the effect of which would be to divert traffic of any kind from its "normal" course to the benefit of her own transport routes. Moreover, it is again and again stipulated in several different places that Germany, by signing the treaty of peace, shall renounce in advance her right to influence any future arrangements by an expression of opinion. Under Articles 353 and 361 Germany shall be bound to construct canals on her own territory against her will, acting on the desires of foreign states. The aforesaid would have the effect of transferring to the Allied and Associated Governments the controlling interest in the internal regulation of Germany's whole economic life. The acceptance of the terms referring to inland navigation is, on these principles, incompatible with the maintenance of Germany's sovereignty, and is therefore impossible. There are, moreover, a number of details which will not at present be further discussed, but which give rise to grave reflections.

As against the above, the German Government is perfectly willing to undertake a revision of the hitherto existing conventions for the regulation of Germany's river systems along lines corresponding to the new conditions, and thereby to open up all German rivers to the utmost extent for the traffic of ships and goods of all nations. She must, however, adhere to the principle that only the riparian states are to participate in the adminis-

tration. To what extent they are entitled to representation in the administration would have to be determined according to their economic interests, the portion of the river lying within their territories and their share in the cost of the upkeep of the river system.

Concerning the Elbe (*Labe*) Navigation Act, Germany will gladly take into account the needs of the Czecho-Slovak State, with which it is to her greatest interest to maintain good economic relations.

As to the navigation of the Rhine, she is of the opinion that the competence and functions of the Central Commission, which has served as a model for the international administration of a river, do not need any alteration. She will not, however, oppose any negotiations as to whether, and in what points, improvements might be made.

As to the Danube, it is also to Germany's interest to cooperate in the codification and adaptation of the various conventions relating to this river to the new situation created by the change in the conditions of the riparian states. Germany must demand that she may immediately resume her seat on the Danube Commission, and, further, participate without delay in all measures affecting the Danube.

The Oder (*Odra*) is for the whole of her navigable course a purely German river, whose navigability for internal traffic Germany will undertake in the most energetic manner to improve and to increase. An Oder commission is, therefore, not necessary.

As to the Vistula, which must also in future remain an important part of the German river system, the German Government is prepared to enter into negotiations with Poland about a Vistula Convention. It reserves to itself the right to present a draft of a Vistula Convention.

It is equally prepared to come to terms with the states whose territory borders on the Niemen (*Russtrom-Memel-Niemen*).

The proposals made in Article 65, by which the port of Strasbourg and the port of Kehl shall be constituted, for a number of years, a single unit from the point of view of exploitation, and placed under a special organization under French administration, are not acceptable in this form. The German Delegation are, however, of the opinion that a settlement acceptable to both parties might be reached by special negotiations. Railway

and other bridges across the Rhine within the limits of Alsace-Lorraine ought to remain half the property of Germany since the Rhine valley forms the frontier.

The water power of that part of the Rhine between Baden and Alsace-Lorraine belongs in equal parts to the riparian states. Germany cannot agree to the prescribed conditions concerning works necessary for the production of water power, in the form in which they stand. Considering the extent of the questions connected herewith, it appears necessary for the details of the convention to be left to separate treatment through which, in the opinion of the German Delegation, a solution satisfactory to both parties is quite likely to be found.

As to the question of the use of German ports by the Czecho-Slovak State, the German Delegation beg to observe that already the ports of Hamburg and Stettin have served to the greatest extent as a means of transit from and to Austria-Hungary. No impediments have so far been placed in the way of this traffic by the authorities of either port, nor would it be to the interest of those ports to place such impediments in the way of this traffic in the future.

Germany is quite ready to make far-reaching concessions to the Czecho-Slovak State, in a special treaty, regarding the application of the right to joint use of the free port of Hamburg and of the Stettin free zone.

With regard to Articles 339 and 357 be it observed that, in addition to the surrender of river tonnage discussed in the chapter on restitution and reparation, Germany is prepared to enter into negotiations with the interested states as to how such states could obtain a suitable share of the river tonnage. This, however, on the assumption that the principle by which the justifiable needs of both parties are taken into account is applied to the fullest extent, especially with regard to the Rhine.

As to the clauses relating to the Kiel Canal, Germany agrees absolutely that the Kiel Canal be kept open to the traffic of all nations. Subject to reciprocity, she is ready to make detailed arrangements in this regard.

The condition of Article 386, by which the Kiel Canal would be practically placed under an international commission, instituted by the League of Nations, would be acceptable only if all other straits connecting the seas should be treated likewise.

## VII. TREATIES

The draft of the peace treaty apparently starts from the principle that, in the relations between Germany and the Allied and Associated Powers, only such multilateral treaties, conventions and agreements of an economic or technical character will be resumed as are expressly enumerated in the treaty, while all other treaties of this kind will be dissolved. This principle does not appear practical; it would not establish a sound and firm basis of justice, which is indispensable to the resumption of international relations. Even an enumeration, apparently complete, of the treaties to be resumed causes considerable doubt, especially since the decisive agreements are laid down not only in the principal pertinent treaties, but also in numerous amendments, special arrangements and sub-treaties, and are frequently limited by the reservations of certain States. Thus the examination of the contents of the draft, so far as such examination could be carried out in the short space of time allotted, has proved that the list contained in Article 282 does not include a number of multilateral arrangements which, without question, would fall within the scope of the treaties therein enumerated, and further, that numbers 7, 17, 19, 20 and 21 raise doubts as to their contents and meaning. Under these circumstances the German Delegation cannot take upon themselves the responsibility for the acceptance of such conditions unless opportunity be given for detailed examination and discussion. It is their opinion, however, for the present, that it would be preferable in principle, for all multilateral treaties which were in force at the outbreak of the war to come into force again, upon the conclusion of peace, and to leave it to an examination, to take place immediately after the conclusion of peace, to decide which of these treaties should be altered or dissolved.

According to Articles 283 and 284, Germany shall submit herself in advance to all future arrangements between other powers relating to international postal, telegraphic and radio-telegraphic communications, without being able to influence the contents of these agreements. The acceptance of such obligations in blank is incompatible with the dignity of an independent people.

Energetic protest must also be raised against the proposals relating to the revival of the bilateral treaties to which Germany



is a party. According to Article 289, the Allied and Associated Governments exclusively are to decide which of the treaties which were in force before the war between Germany and these Powers should be revived. According to paragraph 4 of this Article, the Allied and Associated Powers concerned can, in the notification of the treaties to be reapplied, mention any provisions thereof which shall be excepted from the application if, in the opinion of the notifying power, these provisions are not in accordance with the terms of the peace treaty. According to this provision, every former enemy State could demand that Germany resume the obligations prescribed in the old treaties, whereas the enemy State would be, at the same time, in a position to repudiate all the promises which it had made at the time of the conclusion of the treaty in order to obtain Germany's counter-obligations. These treaties, however, so far as they contain obligations and counter-obligations, are a whole, and it is not admissible for them to be torn to pieces arbitrarily so that all obligations may be imposed on one party, while all rights remain with the other parties.

The provision of Article 289 is thus not acceptable to Germany. In its stead it is proposed that the treaties in force at the outbreak of the war between the parties to the present treaty should be applied again upon ratification of the treaty of peace; if they were not to be denounced for a fixed period, this date should be extended for a period equal to the length of the war. Each party to this treaty should then be at liberty, within a certified time, to inform the other party to the treaty of any conventions or articles of a convention which, in its opinion, are at variance with the changes brought about during the war; such provisions should then be replaced by new conventions, which should be drawn up shortly by special commissions and be concluded within a space of time still to be fixed.

Furthermore, it may be observed that, according to international law, treaties with States which have not been at war with Germany, as Peru, Bolivia, Ecuador and Uruguay, are not affected by the rupture of diplomatic relations.

The abrogation, demanded by Articles 290 and 292, of the treaties, conventions or agreements between Germany and her former allies, as well as of Germany's treaties with Russia and Roumania, cannot be agreed to in the general terms of these

articles, because the resumption and maintenance of regular relations with these countries would be severely endangered thereby. Germany has already renounced the peace of Brest-Litovsk; the peace of Bucharest has not been ratified at all. These treaties, therefore, are no longer a matter of concern here.

Articles 291 and 294 demand of Germany that she should secure to the Allied and Associated Governments certain advantages up to this time granted to the Powers allied to her and to neutrals. The German Delegation cannot discuss this demand until they have been in a position to examine in detail all the agreements concerned. The effect of these stipulations cannot be perceived from an examination of the general terms of the treaty draft. The German Delegation therefore propose special negotiations on these questions also.

#### VIII. PRISONERS OF WAR AND GRAVES

At the head of all demands concerning the repatriation of prisoners of war and interned civilians, the German Peace Delegation must make the following observations subject to negotiations about details:

Above all, such prisoners of war and interned civilians as were convicted of a crime or offence committed before or during their captivity within the confines of an enemy state, should be released in the same manner as was demanded and obtained by the Allied and Associated Powers for their nationals at the armistice negotiations.

As to the treatment of prisoners of war and interned civilians up to the time of their repatriation, the treaty itself should grant them the same facilities as were granted by the armistice to the prisoners of war and interned civilians of the Allied and Associated Powers in Germany.

The German Delegation furthermore, now as before, believe themselves entitled to demand that, in all questions of the further treatment of prisoners of war and interned civilians and of the care of graves, reciprocity should expressly be shown even in the form of the treaty. Moreover, it must be observed that the regulation in Article 216 providing for the return of prisoners of war, and interned civilians habitually resident in the occupied territory, is contradictory to the idea of the right of self-location. It appears necessary, in the arrangements to be concluded, to grant

fuller play to the free expression of the desires of those about to be repatriated.

Concerning the cost of the repatriation of the prisoners of war and interned civilians, the German Peace Delegation deem it necessary that only such expenses should be borne by the German Government as are incurred after the prisoners of war and interned civilians have left the dominion of the enemy Power.

## IX. PENALTIES

### I.

In Article 227 the Allied and Associated Powers publicly arraign the former German Emperor for a supreme offence against international morality and the sanctity of treaties. A special tribunal, to be constituted solely by the principal Powers and "guided by the highest motives of international policy," shall pass judgment without being bound by any limit in the matter of the punishment to be imposed. For the execution of these proceedings, the Government of the Netherlands is to be requested to surrender the accused.

Although there is no provision for the cooperation of Germany either in the constitution of the tribunal or in the proceedings or in the surrender, the German Government, by the signing of a peace treaty containing Article 227, would recognize the justification of such criminal proceedings, the competence of such special tribunal and the admissibility of the surrender. This cannot be done.

The intended criminal prosecution is not founded upon any legal basis. The international law in force provides punishment as a sanction for commandments and prohibitions; no law of any of the interested powers threatens with punishment the violation of the international law of morality or the breach of treaties. Therefore, according to the law in force, there exists no criminal tribunal competent to decide the impeachment in question. The draft, therefore, had to create a criminal law with retroactive powers, as exceptional law, to form the basis of judgment.

The German Government cannot allow a German to be placed before a foreign special tribunal, to be convicted on the basis of an exceptional law promulgated by foreign powers solely against him, on the principles not of right, but of politics, and to be punished for an action which was not punishable at the time it

was committed. Neither can the German Government consent to the request to be addressed to the Government of the Netherlands, to surrender a German to a foreign power for the purpose of illegal proceedings.

According to Article 228 Germany is, furthermore, to hand over to her opponents, for conviction by a military tribunal, any persons accused of having committed acts in violation of the laws and customs of war, even in cases where proceedings have already been instituted against these persons by German courts. Under the present law Germany cannot take upon herself such obligations, because Section 9 of the German Criminal Code forbids the extradition of German subjects to foreign governments. The Allied and Associated Powers will thus force upon the German Republic the alteration of an article of law which is the common property of most peoples and which, wherever it is in force, possesses the authority of a fundamental law guaranteed by the constitution. German honor obviously demands the refusal of this proposition.

## 2.

In the opinion of the German Delegation, one of the noblest objects of the conclusion of peace is to appease passions which mutual reproach for the violation of international law has aroused, by satisfying the offended sense of justice in all cases where an injustice has actually been committed. This end cannot be attained if, as the draft requires, the demand for the atonement of a wrong committed is, for political purposes, accompanied by the branding and proscription of the opponent, or, if, by giving the role of judge to the victor, might is put in the place of right. If a violation of the law is to be atoned for, the proceedings themselves must be legal. Under the law of nations in force at present, only the state, as bearer of the international obligation, is responsible for acts in violation of the laws and customs of war. If satisfaction is to be given by the punishment of guilty individuals, the injured state itself may not convict; it can only demand the punishment of the state responsible for the guilty person. Germany has never refused, and once more declares her readiness to see to it that violations of international law are punished with the full severity of the law, and that all accusations, from whichever party they come, are examined impartially. Moreover, she



is prepared to leave the decision of the preliminary question, as to whether an action committed in the war is to be considered an offence against the laws and customs of war, to an international tribunal composed of neutrals. In this connection it is presupposed:

1. That violations of the laws and customs of war committed by subjects of all parties to the present treaty shall be brought before the international tribunal.
2. That Germany shall have the same share in the constitution of the international tribunal as the Allied and Associated Powers.
3. That the competence of the international tribunal shall be restricted to questions of international law, and that the meting out of punishment shall be left to the national courts.

#### X. LABOR

The conditions contained in Part XIII of the peace draft start from the assumption that the interest of the working classes, their welfare and the protection accorded their work are not to be a matter for the workers themselves to decide, but are to remain the affair of the Governments concerned.

Since, according to the draft, Germany is not immediately to become a member of the League of Nations and of the international labor organization, the German people are not allowed to cooperate in determining the rights and obligations upon which the health and welfare of the workers depend, although Germany's social legislation for the protection of workers has actually become a model for the entire world. These measures are due, to a considerable degree, to the cooperation of the German labor organizations, which, though founded upon English models, have developed to such an extent that the international organization of all trades unions has been turned over to them.

Before the war, Mr. Lloyd George instituted an inquiry into the operation of government insurance among German employers, and laid the results of this inquiry before Parliament in a special report. It is remarked therein that: "Almost every answer plainly reveals the fact that the attention paid to the health and the welfare of the workers has in no small degree contributed to the great success of Germany in the world's markets." The peace conditions would destroy all the progress which the German workers have made—progress which they have achieved in the

face of the strongest opposition, in long years of self-sacrificing struggles in the matter of agreements as to wage scales, as well as in the matter of working hours, social hygiene, proper housing and social insurance. The German workers, although they did not want the war and although they conducted it with a view to defending their achievements in the realm of workers' legislation, would no longer be in a position to carry these achievements further. The conditions prescribed in the peace draft of the Allied and Associated Governments would subject the German workingmen to the most extreme distress and to the utmost exploitation of their working power. The consequence would be that Germany, whose prominent position in the world's markets was in no small degree due to her workers' social legislation, would be shut out from world commerce.

But since the conditions of labor in the various countries are mutually dependent upon one another, a fact acknowledged in the introduction to Part XIII of the peace conditions, any change for the worse in the labor conditions of Germany would result in a lowering of the standards of life among the workers of other countries. As a final result, therefore, peace would be concluded at the expense of the working classes in all countries.

The German workers, however, can agree only to a peace which embodies the immediate aims of the international labor movement. The German Delegation know full well that the German workers would never agree to work under conditions which would entail the sacrifice of all their achievements, merely to put the fruits of their labor into the hands of alien oppressors. A peace which threatens the existence of the German workers can never be a peace of justice, which guarantees friendship among nations. Such a peace would be contrary to the message which President Wilson directed to the Russian Government on June 10, 1917, in which he said: "The saying that all men are brothers must no longer remain a beautiful but empty phrase; a strong and actual significance must be given to it!"

This would never be achieved through Part XIII of the peace conditions, as has already been made clear in the notes dated May 10 and May 22, 1919. The words of President Wilson can be fulfilled only by recognizing the workers' organizations and their decisions, as well as by extending advanced social legislation, especially with relation to protective measures and insurance, to

all countries which may as yet be backward in these matters. That Germany's legislation in this respect is the most advanced, is a fact which has been acknowledged at all conferences of States and of workingmen. Therefore, to exclude Germany at once from the League of Nations and the international labor organization is an outrage upon the German workingman, and will frustrate the object of assuring the welfare and happiness of the working classes in the future. The German Delegation must therefore make a solemn protest against even a temporary exclusion of Germany from the international labor organization.

The German Delegation call attention to the fact that, according to their knowledge, the German workingmen's organizations are opposed to the idea that, by cession of German territory, their German fellow workingmen should be brought under the domination of countries which, like the future Kingdom of Poland, possess either very insufficient regulations for the welfare of the workingmen, or none at all. The Allied and Associated Governments possess, indeed, no right to inflict damage upon the workers among the German people by exercise of wilful and irresponsible power, nor to force these workers to serve their ends and interests. The Allied and Associated Governments would thereby destroy the basic principles of justice as laid down by President Wilson in his speech in New York on September 27, 1918.

The German Delegation have communicated to the Allied and Associated Governments the conditions of labor legislation which they regard as indispensable, and to insure the execution of which the German working classes would shrink from no sacrifice. It is not necessary in this place to go over these conditions in detail, since they have already been communicated in their entirety to the Allied and Associated Governments. They are in complete accordance with the conclusions reached at the International Trade Union Conference in Berne, 1919.

Part XIII of the conditions of peace is also in contradiction to the demands of democracy, for the powers which are therein conferred upon the Governments cannot be derived from the consent of the governed. In these stipulations the workingmen are regarded as mere chattels. Although the Allied and Associated Governments have set up the principle that labor is not to be regarded as a mere commodity or article of commerce, they nevertheless deny to the workingman the most elementary of

human rights—that of equality. They take from the workingmen the right of deciding for themselves how they are to conduct their lives and protect the welfare of their families. They do not regard workingmen as citizens entitled to equal rights.

A peace which did not bestow these equal rights upon the workers would leave a poisonous sting of revengefulness and bitterness in their hearts. A peace of this kind would not be based upon a firm foundation, but upon quicksand. Only a peace between equals can be permanent; only that peace whose first principle is the equality of rights of the working classes will last.

The practical application of President Wilson's words of July 4, 1918, to the workingmen, results in this conclusion: The regulation of all labor questions must be conducted on the basis of the free acceptance of that settlement by the workingmen immediately concerned, and not on the basis of the material interest or advantage of any other class of the nation, or of another people which may desire a different settlement for the sake of its own foreign influence or mastery.

The general principles laid down in Article 427 of the peace draft likewise fail to do justice to the demands of the working class. They lack the first essentials for the recognition of the equal rights of the workingmen of all lands, namely, the right of free movement, the right of organization and the unrestricted enjoyment of the workingmen living in an alien state in the protective laws of such state. For it is to be left to the choice of every individual state whether it will include alien workingmen in its scheme of labor legislation. According to Article 427, paragraph 8, only those workingmen who legally take up their abode in a state shall be assured the benefits of equal economic treatment. But what is to be understood by legal abode is something which may be determined purely according to the arbitrary desires of capitalistic and nationalistic interests. Such a decision does violence to the sentiments of the workingmen, who demand equal rights for the working classes of all countries. Its effect is that of a sinister exceptional law directed against the German workingmen, and it must therefore be considered a blow against the solidarity of the international working class.

The German Delegation therefore once more propose, in agreement with the working classes of all countries, the summoning of a conference of labor organizations. This conference should



consider the peace proposals of the Allied and Associated Governments as well as the counter-proposals of the German People's Government and the resolutions passed by the International Labor Conference in Berne in February of this year. The results of these deliberations, both in respect to practical labor legislation and to the international organization of labor, should be embodied in the treaty of peace and thereby attain the force of international law. Any other settlement would involve a violation of fundamental human rights by disregarding a demand of the day, something which the conscience of the world dare not allow if the peace of the world is to be preserved.

It is precisely by means of these principles that the German Peace Delegation, in the interest of the happiness of all nations, would procure the full acceptance throughout the world of those potent words spoken by President Wilson on February 11, 1918. These words can be converted into reality only by the unanimous consent of the working classes of all countries:

"What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches."

#### XI. GUARANTEES

Even in the provisions for its execution, the draft of the peace conditions does not renounce the principle of force. As a guarantee for the fulfillment of the conditions which strike such a terrible blow at the life of the German people, an occupation of German territory extending over many years is demanded.

The primary purpose of this occupation is obviously twofold: the last paragraph of Article 429 is to provide security against German aggression; and Article 430, a guarantee against an eventual refusal on the part of Germany to fulfill her obligations in the matter of reparation.

With regard to the possibility of German aggression, no human being could possibly consider the weak military armament left to Germany after the war a menace to her neighbors. Actuated by the belief that those nations which have hitherto been her opponents are also desirous of peace and a reconciliation of the nations, Germany has no misgivings in renouncing the fortifications on her western frontier. Germany is

likewise utterly defenceless at sea against the overwhelming preponderance of the navies of the Allied and Associated Governments, which have absolute control of the seas. Surely no one could possibly assume that the German people, weakened as they are, could be led astray into the madness of an aggressive war which could mean only its utter annihilation!

Nor does the occupation offer any guarantee for the fulfillment of the economic and financial obligations of Germany, which could not be as well or even better achieved by the means expressly proposed by Germany. In addition, the form of guarantee demanded strikes a particularly hard blow at Germany, because it is utterly impossible for her to fulfill her stupendous obligations within a short space of time, and, according to Article 431, the liberation of the German Rhenish territory from foreign occupation would be prolonged for an indefinite period.

The occupation would render the fulfillment of the reparation obligations either most difficult or absolutely impossible. Large sums would have to be spent by Germany on the upkeep of the army of occupation, and these sums would thereby be withdrawn from their real purpose of reparation. The free course of economic life within Germany would be disturbed, for Germany constitutes an economic whole, and the territories on both sides of the Rhine are united by numerous connections. If, in former instances in history, parts of the territory of an agricultural state have been occupied, this might have been regarded as a means of enforcing the liquidation of debts and obligations. But all premises are lacking for the occupation, for purposes of surety, of an industrial state situated as Germany is geographically. The occupation of portions of German territory would, in its effect, assume exclusively the character of a harsh and cruel supplementary punishment for the populations which would suffer under it.

The population of parts of Germany which are highly developed in an economic and cultural sense, would be subject to all manner of restrictions in their political and economic relationship with the German Republic, with which they form a unit. The citizens of a nation which now has the freest and most democratic form of government would, by such an alien rule, be hampered for a long time in the exercise of their personal, economic and national rights and liberties, if not entirely deprived of them. The maintenance of the provisions of the armistice of November 11, 1918,

as provided for in Article 212, would deprive the German authorities of the free control of the administration and economic life of Germany, and of the ways of communication, including the Rhine. It would also permit the right of requisition to persist—a right to be maintained only in time of war. Article 270 would authorize a special customs régime for the occupied territory. This would make it possible to cut off this territory, in an economic sense, from the mother country and to bring it gradually under the influence of Belgium and France. Furthermore, since Germany cannot possibly erect a customs barrier against her own territory, it would be impossible for her to control the customs of the greater part of her western frontier.

A peace based on conditions of such a nature, conditions that would destroy the unity of the German people for years to come, and which would endanger the national, political and economic integrity of the people even after the conclusion of peace, cannot furnish a basis for mutual confidence and for the reconciliation of nations.

In view of all this, Germany expects that the territory which has been occupied on the terms of the armistice will be evacuated not later than six months after the signing of the peace treaty, and that the bridgeheads will be evacuated first. It is also essential that agreements be arrived at regarding the occupation during this maximum period of six months, since the present conditions can under no circumstances continue.

It is necessary that this occupation have an exclusively military character. The commanders of the occupying troops should only exercise rights similar to those exercised by German commanders in times of peace. The population should be guaranteed the free exercise of its personal and civil rights. All legislative, administrative and judicial power should be exercised exclusively by the proper German organs, representatives, authorities and self-governing bodies. The political, legal, administrative and economic connection of the occupied districts with the remainder of Germany should be reestablished and secured. The traffic of passengers and goods as well as the news service between the occupied and non-occupied districts should be in no way hindered. The troops of occupation should be quartered only in existing barracks or in camps built by the army of occupation. In case these should not suffice, the quartering of the troops should take

place in buildings and quarters to be assigned for this purpose by the German Government. The re-provisioning of the troops of occupation should be made from their own stores. All regulations and orders issued by the occupation authorities during the armistice which are opposed to those formerly in force should be abrogated immediately after the signing of the peace treaty. A commissioner appointed by the German Government should remain in immediate contact with the commanders of the troops of occupation in order to regulate all details. Any differences which might arise should be settled according to provisions of the League of Nations.

If the Allied and Associated Governments feel the need of providing themselves with guarantees, after the conclusion of peace, for the keeping of the agreement and for the fulfillment of the obligations which Germany has undertaken, there are more effective means of achieving this than force and compulsion.

The world has hitherto been wholly unable to give due consideration to the great transformation which has taken place in the national life of Germany. Through the will of her people Germany has become a democracy and a republic. The return to a form of government under which the will of the German people could be disregarded, is utterly out of the question.

The intricate ties which characterize all world relationships today make it impossible for any nation to stand alone in its development; but instead, every nation requires the trusting support of its neighbors if it is to become an efficient and reliable member of the family of nations. The new Germany is convinced that it deserves this confidence, and it may therefore demand its place in the League of Nations. Germany's membership in the League of Nations would in itself alone constitute the most inviolable guarantee for the good faith of every German Government. The intrinsic and extrinsic value of this guarantee would be essentially greater if the victorious powers would agree to render active assistance to Germany in the reconstruction of her economic life.

The proposals of the German Government are inspired by the wish to insure that permanent peace which is so urgently needed by its own sorely stricken land. But it lies in the power of the Allied and Associated Governments to create that peace for humanity which alone will bear the guarantee of permanence.



However little the German Government is in a position to exert pressure in bringing about a peace of this kind, it would nevertheless consider that it was remiss in its duty if it did not once more raise its voice in warning against the consequences of a peace of brute force.

The fate of Russia speaks in unmistakable terms. Mankind's capacity for suffering is indeed great, but an excess of suffering drives a people to despair, and this despair expresses itself in terrible convulsions of all political and social conditions. The utterly exhausted German people is struggling desperately to preserve the country from the final dissolution of all its constituent elements. The outcome of this battle, which is now being fought with its last remaining strength, will be determined almost exclusively by the form which the treaty of peace will assume. Even though the conditions should, in any event, be extraordinarily severe, the German people would, nevertheless, under circumstances which were in some measure endurable, once more accustom itself to work and order, thereby creating for itself an existence worthy of human beings, as well as assuring its opponents of today the fulfillment of the obligations agreed upon. But misery and despair would not only render this fulfillment dubious, but want and the lawlessness induced by the demoralization of the years of war would produce chaos in Germany. The economic impoverishment and the moral dissolution of a great nation would in the end poison the whole body of the civilized world.

The working people of Germany have always desired peace and justice, and still desire them today. Germany knows that in this she is at one with all humanity. In all nations the best spirits are longing for a peace of justice after this terrible war. If this longing be betrayed, then the ideal of justice will be annihilated for generations and an organization of the world based upon morality will become utterly impossible. A permanent peace can never be established upon the oppression and the enslavement of a great nation. Only a return to the immutable principles of morality and civilization, to the sanctity of treaties, would render it possible for mankind to continue to exist. The new peace must be a peace of justice and therefore of voluntary agreement. It must therefore, in the first place, revert to the solemn agreements entered upon by both parties, as laid down in the

interchange of notes between October 3 and November 5, 1918.

Justice and the free agreement of all parties to the treaty will prove to be the strongest, in course of time the only guarantees of the pact to be concluded. In the very moment of founding a new commonwealth, based upon liberty and labor, the German people turns to those who have hitherto been its enemies and demands in the interests of all nations and of all human beings, a peace to which it may give its assent in accordance with the dictates of its conscience.

## SUPPLEMENT

### FINANCIAL QUESTIONS

The German finance commission has to treat mainly Part VIII, including Annexes 1 and 2, and Part IX of the draft of the peace conditions concerning the indemnity and other financial questions. It must preface its comments with the following observations upon the spirit and content of the draft as a whole.

There is doubtless only one way in which to heal the frightful unhappiness into which the war has plunged humanity and to solve the staggering financial and economic problems, which, differing only in degree, threaten in the same manner all the nations affected by the war, namely this: after the wretched years of mutual strife and devastation the nations of the earth must now *unite in peaceful work in common*<sup>1</sup>, in order to be able to carry the burdens more easily and to hasten the reconstruction of the world through mutual helpfulness.

The draft of the peace treaty presented to us by the enemy governments has not adopted this way. On the contrary, they indulge in the hope that a Germany which has been drained and then kept down by every kind of political and economic handicap, would yield greater advantages to their nations and would be able to relieve them of more burdens than could that new Germany which we want to establish.

If the territorial, political, and economic clauses contained in the draft of the Allied and Associated Powers should be carried out, Germany would be condemned to economic and financial decay even without the imposition of an indemnity. Enormous agricultural districts, which we need for the nourishment of our population as well as for the colonization of at least a part of the people who can no longer be employed in industry, are to be detached from Germany. We must give up indispensable supplies of raw material, above all, almost one-third of our coal production; Germany's organization for world trade, insofar

<sup>1</sup>In italicizing the editors have adhered to the original text.

as it has not already been destroyed by the war, must now, after the conclusion of peace, suffer complete annihilation. We are to lose the sources of revenue and the productive force of important parts of the country. There would remain a Germany which in the future, even more than in the past, would have to turn to foreign countries for the satisfaction of her immediate needs in regard to food, clothing and industrial labor, because she would be deprived to a great extent of her own resources; moreover, *her only means of payment*, namely her labor, would not only have been requisitioned in advance to an enormous extent, but it would also meet on every hand almost insuperable obstacles. We cannot conceive how our people, so congested and encircled, could exist at all. There is frightful danger that the only means of relief would be emigration on a huge scale, or, if this should become impossible, death *en masse*. One thing, however, is certain: the idea of extracting the enormous indemnities stipulated in the draft of the peace treaty from what would be left of Germany according to the draft, is impossible. A Germany, in whose population any delight in work would be killed at the very outset by the despair of the present and the hopelessness of the future, cannot even be counted upon in the question of the payment of indemnities. That the draft of the Allied and Associated Powers fails to recognize this, that it seeks first to make Germany incapable of existing and then expects enormous payments from such a Germany, this is unjust and impossible of realization.

In regard to the size of the indemnities which the Allied and Associated Governments intend to impose on us, we observe that we do not intend to discuss here the legal bases of these demands, since these are treated elsewhere (by the legal commission of the Peace Delegation). *In any case it is of importance to examine the limits of Germany's financial capacity*; the following observations were made from this point of view.

From this purely financial standpoint it is, *in the first place, impossible for Germany to indemnify all the war damages of her opponents*. It is equally out of the question that Germany should be able to assume the *guarantee for her allies*. In the same way, for purely financial reasons the provisions of paragraphs 5-7 of Annex I, concerning military pensions, allowances to dependents of war victims, etc., cannot be taken into consideration.

As regards the amount of the obligations to be assumed by



Germany in addition to the indemnities, the commission must call attention to the extraordinary significance of Article 249 which imposes upon Germany the full costs of the maintenance of any army of occupation even for the time following the conclusion of peace. These costs, which are to be paid in gold or in an amount based upon the gold parity of the mark, may be extraordinarily high and beyond the weakened financial power of Germany. *Today the costs of the foreign troops of occupation, as far as can be determined at present, exceed the former cost of maintenance of the German army and navy on a peace footing.* It would be unjust to impose upon Germany the expense of a continued occupation, for among the troops of occupation would be parts of the regular peace time armies of the enemy States, whose maintenance would be paid for by the enemy Powers likewise.

A military occupation would be all the more detrimental, since every occupation has exceedingly pernicious economic consequences, which could only too easily be seriously augmented by the interference of the troops of occupation in the field of administration and of political economy.

Germany's capacity for taxation and her ability to pay depend upon the uniformity of administration in the economic domains left to her; but the authority of the German Government in regard to the collection of imposts, of customs duties, etc., can only be restored when there is no longer an army of occupation in the country. Even the period of the armistice has produced chaotic conditions in the matter of import and financial transactions in the region on the left bank of the Rhine. An occupation lasting many years and accompanied, as is planned, by the introduction of a special customs tariff, would deprive Germany of the possibility of a determined economic and financial policy.

### III

Moreover, we must object to Germany's being deprived, without any legal claim, of the important elements of her financial power. Article 254 of the draft provides for a settlement of the debts for the regions which Germany is forced to cede. The method of calculation prescribed, according to which the amount of the debt to be taken over is to be determined by the revenues of certain classes of taxation in the ceded territories as compared with the same revenues in the whole German population, is very

difficult of execution on account of the dissimilarity of the systems of taxation in the various federal states of Germany. But the provision according to which the assumption of the debts is to extend only to those contracted before August 1, 1914, so that the full costs of the war would have to be paid by the remaining German population alone, seems quite unjustified. The nationals of the territories to be ceded were just as ready as the rest of the German people to defend their fatherland, when they believed it was attacked. Not a single deputy from the regions which are now to be separated from Germany voted against the war credits. They were all deputies who had been elected according to what was then the freest electoral system in the world (equal, universal, secret, direct), and if now single parts are to be detached, this can as a matter of course take place only in this form: that all the debts contracted up to the day of separation, debts of the Empire as well as of the federal States to which the ceded territories belong, be taken over by the former nationals of the Empire into their new country.

*Not August 1, 1914, but the day of the signature of the peace treaty must, therefore, be fixed as the date for the calculation of the parts of the debts to be assumed, including the charge resulting from the peace treaty itself.*

*In Alsace-Lorraine should be taken over at least the public debts of Alsace-Lorraine, the debts for the building of the Alsace-Lorraine railway and those loans for which new values have been created in Alsace-Lorraine since 1871.* In 1871 Germany rendered compensation to France for the railways constructed in Alsace-Lorraine by taking them into account in the war indemnity. It should be demanded, quite in general, that whenever railways are ceded, Germany should be credited with an amount corresponding to their present value.

The exclusion of any compensation for the cession of the property of the Empire and the State in Alsace-Lorraine (Article 256) seems to us unjustified by the reference to the regulation of 1871, especially as regards new constructions. For the corresponding demand of Belgium (Article 256, paragraph 4) no justification is given, and we recognize none. The special regulation in the case of Poland in Article 92, paragraph 3, can also not be granted.

The provision that *Poland* is not to participate in that part of the debt of the Empire and of the State which was expended for

German colonization in Posen (Article 255, paragraph 2) can be carried out only in case *corresponding guarantees for the payment of interest incumbent upon the Prussian State due to that colonization* and further modifications be granted.

Without intending to anticipate in any way the question of the required cession of the colonies, we must emphasize the following from the financial point of view. They are to be taken away without taking over a part of the debts of the Empire or the federal States. *In case Germany should agree to the cession of her colonies, she would have to demand that the ceded territories continue to be charged with those debts which they have assumed partly with, partly without the guarantee of the Empire*; that the Empire should be released from the guarantee; and that the State acquiring the colonies should compensate the Empire for all the expenses incurred by the Empire for the benefit of the ceded territories. Moreover, the seizure of the colonies conflicts in any case with the fundamental principles of the armistice. Point 5 of President Wilson's fourteen points provides for "A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the population concerned must have equal weight with the equitable claims of the government whose title is to be determined." According to this, there is in President Wilson's program no question of a seizure of colonies in general, and especially without making deduction therefor. Moreover, the colonies have become for Germany to such an extent integral parts of her own social economy, they are such valuable parts of her national capital, that she cannot, if only for financial reasons, *renounce her colonial possessions*.

In conclusion, we must mention the provisions of Article 250, according to which the surrender of material which has already been delivered in accordance with the clauses of the armistice is to be confirmed, and the property right of the Allied and Associated Powers thereto recognized. For such a recognition, it would be necessary to conduct a detailed investigation, which was impossible in the short time given; but in any case we must demand that not only the surrendered material of non-military value, but also the Army and Navy material, which the draft excludes from the reckoning, be credited to Germany on her reparation account.

## IV.

Even the above observations show, in single instances, the profound difference in the conception of what may be charged against Germany's account and what she is to be compensated for. But these detailed considerations become almost insignificant when we attempt to get a general conception of what the financial sections of the draft of the peace treaty seek to impose upon us. The definitive sum which Germany is to pay is not yet named. It is not to be fixed before May 1, 1921; from that date the sum is to bear five per cent. interest, which amount is to be inscribed likewise among our permanent debts. Temporarily, provision is made for a payment in three instalments of 20,000,000,000 marks, 40,000,000,000 marks, and, when the Reparation Commission considers Germany capable of paying it, another 40,000,000,000 marks in bonds. Further issues of bonds may be demanded later. *If the calculation is to be made in accordance with the principle described above*, it is evident that we should be confronted with a simply fantastic sum, an indebtedness which we could not hope to discharge even with generations of the hardest labor. The Allied and Associated Governments themselves are evidently aware of these facts, else they would not have made the above-mentioned reservation in the case of the issue of the last 40,000,000,000 of the 100,000,000,000 marks in bonds demanded by them. What they do not seem to understand clearly, is this: If they impose upon Germany a debt which robs her of every possibility of a future; if as a consequence every improvement of Germany's economic condition, which the German people might achieve by tireless diligence and Spartan thrift, would lead simply to this, that even greater payments for the discharge of this debt would be imposed upon us, then any delight in creative work, any joy in work, any spirit of initiative would perish for all time in Germany. *The German people would feel themselves condemned to slavery, because everything that they accomplished would benefit neither themselves nor even their children, but merely strangers.* But the system of slave labor has never been successful. It is unbearable to a people like the German; any ability and inclination to pay taxes would disappear, and Germany would be for decades to come the scene of uninterrupted social class struggles of the bitterest kind. Instead of taking this



danger into account, the object is, on the contrary, to subject Germany to pressure and surveillance financially, economically, and politically in a manner unexampled in the history of the civilized world. *The instrument for this purpose is the "Reparation Commission" and the extraordinary plenitude of power which the draft of the peace treaty provides for it.*

For the payment of the reparations and for all money requisitions arising from the peace treaty and the treaties supplementary thereto, as well as from the obligations of the armistice, a first charge is established, according to Article 248, upon all assets and revenues of the Empire and its constituent States. According to Section 12, Annex II, [Article 233], the Commission shall have the most extensive power to control and regulate the German system of taxation in order to make sure that, first, all Germany's assets, including the amounts set aside for the service or the redemption of any domestic loan, are applied preferentially to the sums to be paid by Germany to the account of reparation; and that, secondly, the German system of taxation, as regards charges upon individuals, shall be just as heavy as that of any one of the Powers represented upon the Commission. *These provisions would mean absolute financial control of Germany by the Allies and complete mastery on their part over the budget of the Empire.* They are impossible of execution even technically. For the granting of a priority of the first rank for the total capital of the debt upon all assets and revenues of the Empire and the constituent States is impossible, because thereby the credit of the Empire and the States would be so undermined, that a further independent financial management of these States would no longer be conceivable. How could Germany float new loans at home or abroad (except through the Reparation Commission), when the service of such a loan would be jeopardized by the previous charge, of an actually unlimited sum, upon all possible means of payment? Even the service of loans contracted up to this time by the German Empire or its constituent States is made completely dependent upon the judgment of the Commission, and yet the preservation of the economic life of Germany depends entirely upon the maintenance of this service. People who save both on a large scale and on a small, the industrial enterprises, the banks, the savings banks, the insurance companies and all other enterprises for the manage-

ment of the capital of others, have invested great parts of their holdings in imperial and state loans, especially in war loans. If these should become even partially worthless, it would cause a new and final collapse of the economic life of Germany, even more fatal in its results than all the economic effects of the war and the provisions of the armistice. From such a collapse Germany would not be able, for an incalculable period of time, to recover sufficiently to meet any of her financial obligations, not even the reparation.

*It follows from our very situation that Germany will have to bear a burden of taxation no less than the States represented upon the Commission. This burden of taxation will probably be considerably greater than anywhere else.*

The Reparation Commission, as is planned at present, would actually be the absolute master of Germany. It would order Germany's economic affairs at home and abroad. *According to Article 260, the Commission may demand that all German nationals cede their rights and interests in all enterprises of public interest (a very comprehensive and not clearly definable concept) and in all concessions in Russia, China, Austria, Hungary, Bulgaria and Turkey, as well as in the possessions and colonies of these countries or in territories which, according to the demands of the Allied and Associated Powers, are to be separated from Germany.* The German Government itself must aid in the execution of this clause; it must prepare and submit a list of all these concessions and rights; must undertake the expropriation; must compensate those dispossessed, and then deliver all the property thus expropriated to the Commission. Thus the Commission obtains an unheard-of power. *It can expropriate almost all German property in the countries mentioned, while the expropriation of German possessions in the enemy countries themselves can take place, according to the draft of the peace treaty, at any time until further notice by continued liquidations and sequestrations.* But how can Germany continue to work and discharge her financial obligations, especially payments to foreign creditors, for instance to the Allied and Associated Governments themselves, if every foreign possession is taken away from her beforehand and if she forfeits all sources of income of this kind? This expropriation would cause all the more serious injury to those affected by it, since the Empire could undertake to compensate those dispossessed in no other way than by titles to new domestic loans, the

value of which would be prejudiced in the highest degree by the peace treaty. The expropriation would almost amount to a confiscation.

The peace proposal speaks very frequently of the obligation of the *Empire to make compensation for the private property* which is to be expropriated for the benefit of the Allied and Associated Powers, without considering that *this method can be applied only within certain limits for reasons having to do with the money market*. In the immediate future it will be impossible to place German state loans in large amounts either at home or abroad, so that compensation could be made only by means of large issues of notes. The inflation, already excessive, *would increase constantly if the peace conditions as proposed should be carried out*. Moreover, great deliveries of natural products can take place only if the state reimburses the producers for their value; this means further issues of notes. As long as these deliveries last, there could be no question of the stabilizing of German currency even upon the present level. *The depreciation of the mark would continue. The instability of the currency would affect not only Germany, however, but all the countries engaged in export, for Germany, with her currency constantly depreciating, would be a disturbing element and would be forced to flood the world market with goods at ridiculously low prices*. Therefore, quite apart from all the other reasons mentioned, we must reject the proposals for expropriations and excessive deliveries of natural products set forth in the peace conditions by reason of this consideration for the state of the money market.

*In the draft of the peace conditions all the countries at war with Germany have mechanically added their manifold wishes; there is no unified fundamental conception; contradictions multiply from chapter to chapter. A revision is necessary in order to prevent the breakdown, because of this mechanical addition, of the economic organization upon which these demands are made. A fundamental solution could be found only in connection with all related questions and through the cooperation of all the parties interested.*

*According to Article 251, the Commission is also to have power to decide how much should be spent for the food supply and for the purchase of raw materials from abroad; that actually gives the Commission the power to decide whether and to what degree the German people is to be supplied with food, and to what extent industry may be carried on, so*

*that there can no longer be any question of economic self-determination and initiative.*

According to Article 241, Germany would be under obligation to promulgate all the laws necessary to assure the complete execution of the agreements. Is this to be taken to mean, in conjunction with Article 234 and section 12 of Annex II, that Germany would have to promulgate, by regulation of the Commission, all laws concerning taxation which the Commission should demand? This matters little, when the Commission is to decide, first, how the revenues of the German State are to be spent; when, moreover, at their behest, expenditures for the payment of interest on the war loans, for the allotments of the disabled German soldiers and for the pensions of the dependents of fallen soldiers, must cease or be cut down, as well as the expenditures for cultural purposes, schools, higher education, etc.; *then indeed is German democracy destroyed at the very moment when the German people, after mighty efforts, was on the point of establishing it; destroyed by the very ones who during the whole war never grew weary of insisting that they wanted to bring democracy to us!* When the right to dispose of the income of the state is taken away, parliamentary government disappears, and the right of the Reichstag to vote upon the budget becomes a hoax. Popular representation and governments in Germany would have only one task left, namely, to render to the Commission the services of a bailiff in the collection of the debts. Germany is no longer a nation and a state, but it becomes a commercial firm, forced into bankruptcy by its creditors, without being given the chance to prove whether it be willing to fulfill its obligations voluntarily. *The Commission, which is to have its permanent seat outside Germany, will possess incomparably greater rights in Germany than a German emperor has ever had; under its régime the German people would be for many decades without rights, deprived of all independence and of all initiative in commerce and industry and even in popular education, to a greater extent than ever a nation was in the time of absolutism.*

## V.

All these important questions, which are subject to the decision of the Reparation Commission, may be decided by this Commission entirely at its own good pleasure. Whether it is a question of the valuation of the Saar mines, or of the fixing of the amount of the



indemnity to be imposed on Germany, or of the reduction and alteration of the schemes for the payments and the valuation of material to be returned by Germany, or of the fixing of the price of the goods and the foreign assets to be delivered by Germany, or of the calculation of the share of the imperial and state debts to be assumed by the territories ceded by Germany, or of the fixing of the value of the property in the ceded territories formerly belonging to the Empire or to the single States and now devolving upon foreign States—all this and much more, which cannot be enumerated in detail, the Commission is to have full power to decide. Even Annex II, according to whose provisions the problems here discussed are to be settled, may be modified, consonant with the provisions of the treaty, by a unanimous decision of the Governments represented upon the Commission, without even any right of consultation on the part of Germany. Germany has the right to a hearing in many questions, not in all, but she is to have no voice in the decisions made by the Commission in secret sessions. *We are to be denied the right granted as a matter of course in all civilized countries to every person, in the simplest kind of private dispute, namely, that both parties state each their own view of the case and defend their case before the other party, and that in case of failure to agree, a third person, who is not a party to the dispute, decides. The Commission is, at the same time, party to the dispute and judge.*

In other ways, too, Germany is deprived of her rights. *The Allied and Associated Governments reserve the right to retain and to liquidate German property of every kind, even after the armistice, or to subject it to other war measures, either already in force or to be introduced in the future* (Article 297, Annex, section 9), while they, on the contrary, demand the most extensive protection for the property of their nationals in Germany. In Article 252, they demand for themselves the right to dispose of all property of enemy subjects in their countries, while they immediately thereupon, in Article 253, take the position that the charges and mortgages effected in favor of the enemy Powers or their nationals before the war must not be affected by the provisions of the peace treaty. *Thus there are formulated different conceptions of private property for the conqueror and for the conquered; what is demanded on behalf of the one is expressly denied to the other.*

We must lodge an equally decisive protest against Article 258, according to which *Germany is to renounce all representation upon, or*

*participation, etc., in the administration of commissions, state banks or other financial and economic organizations. There is no justification to be found for this exclusion, which would reduce Germans all over the world to the status of pariah. It is without doubt contrary to the principles accepted by us and by the other Powers in the exchange of notes concerning the armistice.*

Finally, Articles 259 and 261 are contrary to every conception of justice and wholly contradictory in themselves: *on the one hand Germany is to deliver large sums of money in gold to the Allied and Associated Governments on behalf of Turkey, Austria and Hungary, and to recognize her obligations in this respect; on the other hand, it is demanded that Germany transfer her claims against Austria, Hungary, Bulgaria and Turkey, especially claims dating from the period of the war, to the Allied and Associated Governments, but it is not stated what value is to be attributed to these claims in the general reckoning. But it follows from the nature of the case that the obligations of Germany toward her former allies can not be separated from the claims of Germany against the same allies. A balancing of accounts is here absolutely necessary. The relation with Turkey in particular is so complicated that partial obligations could not be treated separately without an agreement at the same time between the original parties to the treaty.*

## VI.

On account of the shortness of the time given for discussion we must renounce, for the time being, a more detailed discussion of all the single stipulations of the draft which were to be treated here. While reserving other details for later discussions, for the present we limit ourselves to a brief mention of the following:

In Article 248, paragraph 2, it is stipulated that no gold may be exported before May 1, 1921, without authorization of the Reparation Commission. Even though the Reichsbank cannot be counted on to redeem its notes in gold in the immediate future, nevertheless the Reichsbank must be allowed to export gold in the case of guarantees which the bank itself has furnished, and which she is not in a position to redeem by other means.

Article 262 provides that all payments which are to be made in currency and which are expressed in terms of gold marks, shall be payable, at the option of the creditors, in pounds sterling payable in London; in dollars payable in New York; in francs payable in

Paris; in lire payable in Rome; the coins mentioned being of the weight and fineness of gold according to the currency laws in force January 1, 1914. In reply to this we must state emphatically that Germany is in a position to organize her delivery of goods and her other financial measures in an orderly manner only if she is authorized once for all *to effect her payments in the currency in which the debt was contracted. For reparation in Belgium and France, sums would of course have to be indicated which would be payable definitively in Belgian and French francs respectively.*

In the paragraphs dealing with Germany's financial obligations it is repeatedly stated that the payments are to be effected in gold. But on account of the disastrous terms of payment for the provisions imported during the armistice, the gold reserve of the Reichsbank will, in the immediate future, be extraordinarily small, so that it will be impossible to effect payments in actual gold. In order to avoid mistakes, it ought to be understood that all payments in gold marks or in gold may be effected by Germany in foreign currency at the rate of gold parity in force on January 1, 1914.

Above all, the Commission must call attention to the great dangers in Article 296, paragraph 4 d, according to which the German debtors of an enemy country are to be forced to discharge the debts contracted by them in German marks, in the currency of the enemy country concerned, the value of the mark to be computed according to the rate of exchange prevailing before the outbreak of the war. In this way grave injury will be done, in a quite arbitrary manner, to the German debtor, as well as to the German Empire in its capacity of guarantor, for we do not recognize any legal right upon which to base the demand for this conversion into foreign money of the debts contracted in marks. *Furthermore, the clearing will not accomplish its purpose if a period of six months is granted in which the different states can declare their adherence or non-adherence.* If the idea of "clearing" is intended to be carried out, the uniform and immediate adherence of all the states must be demanded.

## VII.

We are about to conclude. *The proposals of the Allied and Associated Governments are in their present form and extent positively impossible of execution.* Even if they could be imposed upon Germany, they would most severely disappoint the hopes of our present adversaries. This would become apparent even with the first instal-

ment of 20,000,000,000 marks. For even if they should succeed in collecting a considerable part of these 20,000,000,000 marks, by confiscation of the German merchant marine, by forced construction of ships in German shipyards, by forced deliveries of coal, dyestuffs and chemical drugs, by placing to their account all German credits and the proceeds of the sale of all German property in the Allied and Associated countries as well as in the German territories to be ceded, they would still have gained very little for the satisfaction of the reparation demands. After deducting the costs of the military occupation, accumulated in the meantime, and the very considerable amounts necessary for furnishing Germany with even the scantiest supplies of food stuffs and raw materials, very little, if anything at all, would be left for the purposes of reparation. Any further payments whatsoever could not be counted on from a Germany deprived in such a manner of her most important means of subsistence. No German administration would be equal to the task of extracting further payments. But a foreign power which should attempt to practice still further extortion upon the devastated land, would soon have to recognize that the costs of an administration which could work only under the protection of a strong military force, occupying the whole country, would cause the Allied Governments financial losses so great that, within a short time, they would exceed all Germany's previous payments on account.

A different method must be sought, *the method of negotiation*. In all countries, just as in ours, there are people who preach revenge, hate, militarism and chauvinism. But in all countries there are also people who fight for right and equality, men of insight who know that the whole world would become poorer if the German people, with its capacity for work, its needs as a consumer, and its intellectual attainments, were excluded from the cooperation of the world. *It is not Germany alone that at present needs credit on a most extensive scale in order to replenish her exhausted stores, to procure the absolutely indispensable amounts of food stuffs and raw materials, and to consolidate the great floating debts, but almost all the belligerent countries of Europe must resume their normal economic life under the most difficult conditions. To concentrate all the forces of the world upon this problem and to give to all peoples the chance of continued existence is the first and most pressing task.* Only when that is accomplished will Germany be in a position to discharge the heavy obligations for reparation assumed by her, obligations which she is determined to



discharge according to the best of her abilities. This is based upon the assumption, however, that Germany shall be allowed to preserve that territorial integrity which the armistice promises; that we keep our colonial possessions and merchant ships, even those of large tonnage; that we have the same freedom of action both in our own country and in the world at large as all other peoples; that all war laws shall be abrogated at once; and that all infringements of our economic rights in German private property, etc., which were suffered during the war, shall be settled according to the principle of reciprocity. Only if these assumptions are recognized can we make great financial sacrifices and present the following proposal:

The amount of the debt to be fixed shall be recognized and the loans which Belgium has contracted for purposes of war with her allies up to November 11, 1918, shall be paid by us. The manner of payment shall be regulated as follows:

The debt to France is to be fixed in French francs, the debt to Belgium in Belgian francs.

Germany is ready, within four weeks after the exchange of the ratifications of the peace treaty, to issue a certificate of indebtedness to the amount of 20,000,000,000 gold marks payable not later than May 1, 1926, in instalments to be determined by the Allied and Associated Powers; she is ready, furthermore, to issue in the same manner the necessary documents of indebtedness for the remainder of the sum of the fixed damages and to make yearly payments upon the same, beginning May 1, 1927, in instalments bearing no interest, with the reservation that the sum total of the damages shall in no case exceed the sum of 100,000,000,000 gold marks, including the payments to Belgium for the sums advanced to her by the Allied and Associated Powers, as well as the above-mentioned 20,000,000,000 gold marks.

In the first certificate of indebtedness of 20,000,000,000 gold marks should be counted all those payments which Germany has already effected or shall effect by virtue of the armistice, such as railway materials, agricultural machinery, all kinds of war materials and non-military materials, and other things; as well as the value of all payments to be effected by Germany according to the peace treaty and to be credited to her reparation account, as for example, the value of railways and state property; the final assumption of state debts; the claims to be ceded to the Powers allied with Germany in the war; a part, to be fixed by agreement, of the freight revenues

arising from placing the German merchant marine in the international pool; further, those payments in kind which are to be fixed by negotiation in conformity with Annexes III to VII of Part VII; further, the value of the labor performed and materials furnished on the part of Germany for the reconstruction of Belgium and France as well as the restitutions to be made to Belgium, possibly in the form of a special loan, for the amounts advanced to her by the Allied and Associated Powers. The limitations provided for in the preceding in regard to Germany's capacity to pay are applied to the annual non-interest-bearing instalments of amortization to be paid up to the amount of 80,000,000,000 marks. The instalments shall not exceed a fixed percentage of the German imperial and state revenues. Germany is prepared to assume, for the benefit of the indemnities to be paid to the Allied and Associated Powers, an annual charge approximating the total net budget, up to the present time, of the German Empire in times of peace.

Accordingly, the annuity to be paid every year is to be fixed as a certain percentage of the revenues of Germany from direct and indirect taxes, excess profits and customs dues; in the case of the latter, payment in gold may be exacted. These dues, however, shall not, in the first ten years of payment, exceed the equivalent at the time of 1,000,000,000 marks in gold. Two years before the expiration of the ten years the sum total is to be fixed by fresh negotiations. The payment of the annuities may be insured by a guarantee; Germany could undertake to deposit in this fund up to the year 1926 an annuity derived from the proceeds of the indirect taxes, monopolies and customs duties and, subsequently, to maintain this fund at the same level.

Only in case Germany should be in arrears with the payment of an annuity would she consent to permit the Allied Powers the control of the administration of this fund until the deficit had been wiped out, but not to accept measures of an arbitrary sort, such as are threatened in section 18, Annex II to Article 244 (page 107).

The amount of the damages shall be determined by the Reparation Commission in collaboration with a German commission, and in case no agreement should be reached, by a mixed court of arbitration with a neutral chairman; the same procedure should be followed in fixing the value of the payments in kind, and in negotiating concerning the necessary amounts of food stuffs and raw materials to

be supplied to Germany insofar as it is a question merely of revenues from payments in kind, etc.

The burden assumed by the German system of taxation shall be at least as great as that of the most heavily taxed of the states represented on the Reparation Commission.

The territories to be ceded shall assume from the date of the conclusion of peace a pro rata share of the burden of debts, as well as their proportional part of the damages to be paid to the enemy.

It is quite clear to us what extraordinary financial burdens Germany has to assume. If, nevertheless, we dare to make such a proposal, it is done with the conviction that if our adversaries renounce the other demands made upon us, then the German people will have the resolution and the strength to bear these financial burdens.

But then it is necessary that Germany should be admitted on a basis of equality into the League of Nations from the very beginning, that is from the beginning of the new era of peace. In our opinion, it should also be one of the duties of the League of Nations, by uniting the forces of all its members, to make it easier and cheaper for each of them to procure the necessary capital to restore their economic life to a normal peace condition. The more valuable this aid becomes for Germany in particular, the more easily she will be able to discharge the heavy obligations assumed by her.

We are aware that we cannot, even then, build up again a world trade of approximately the same extent as before the war, and that our economic life will be considerably more restricted. What we demand is merely this, that we shall not be required to lead a life of inaction, without honor and without liberty. Although suffering from heavy misfortune, we want to be able to live as a self-respecting working people.

The world, and more especially Germany, longs for a speedy peace. We propose that the finance commission be given an opportunity to enter into negotiations at once with the financial delegates of the Allied and Associated Governments. So far there has been no opportunity for a free discussion of the peace conditions. Only by that means can there exist any hope of at last finding a way to allay the misery of all countries. Merely to allay, not to remove. We must not set to work under false illusions. In the countries of our opponents there are still many who believe that a country like Germany can, by itself, repair to a great extent the damages of war

in almost thirty countries; the experts in those countries know as well as we do that that is impossible. But the obligation which Germany now assumes in the way of reparation, she will strive to fulfill in long years of most arduous labor; only she must be allowed a chance to live and to live honorably.

Versailles, May 1919

**The Finance Commission of the German Peace Delegation**



## SUPPLEMENT

### SPECIAL LEGAL QUESTIONS

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#### CONTENTS

- A. Resumption of Diplomatic and Consular Relations.
- B. Treatment of Private Rights.
- C. Special Provisions of Maritime Law.
- D. Questions of Criminal Law.

#### A. RESUMPTION OF DIPLOMATIC AND CONSULAR RELATIONS

The German Delegation take it to be a self-evident consequence of the conclusion of peace, that the official relations between the two parties will be resumed with the coming into force of the treaty of peace. This view is also expressed in the introductory words of the draft. In that connection, however, the following remarks must be made:

1. The introduction mentions the resumption of official relations by the Allied and Associated Powers with Germany as well as with any of the German States. The question, if and to what extent the single German constituent States hence are to have the privilege of embassy, will be settled by the new German constitution, which is being debated at present by the National Assembly. The German Delegation declare that the treaty of peace may not anticipate that solution.

2. Under Article 279 the right is claimed by the Allied and Associated Powers, to appoint at their discretion without consulting the German Government consular agents at all places in Germany. This demand is a far-reaching innovation in the rules observed up to this time in international relations. In any case it is not justified as long as it is asserted by the Allied and Associated Government to their exclusive advantage. The German Government

could agree to the innovation, if it were to be introduced equally for both parties.

## B. TREATMENT OF PRIVATE RIGHTS

### (Part X, Sections III – VII.)

Sections III – VII of Part X deal with the private rights of the nationals of both contracting parties. These private rights have been prejudiced first by the long continued war itself, but still more by the special laws enacted by the Governments of the belligerent Powers. It is the problem of the treaty of peace to remove as far as possible the consequences of such encroachments and to restore international private legal relations to a normal juridical basis. In view of the difference in the special legislation enacted in the various belligerent States this problem can be solved by different means. Whichever means may be chosen, in the field of private law the principle of reciprocity must be accepted from the beginning and without exception as the basis for all regulations to be established. Germany is all the more entitled to claim reciprocity in this respect, as it was not the German Government that at the time wanted or caused the war to be extended to the domain of private rights.

The settlement of the questions of private law proposed by the Allied and Associated Governments in Sections III – VII does not meet, in essential points, the demands of reciprocity. Numerous provisions show, that even in this matter not the idea of right but the idea of might was decisive.

## SECTION III.

### Debts (Article 296)

#### I. GENERAL OBSERVATIONS

There is on the whole no fundamental objection on Germany's part to the proposed application of a clearing system. The application of such a system was in fact repeatedly suggested during the war by German parties concerned. But those proposals differ from the present ones in that they did not intend to prejudice the opponent but dealt with the position of the two parties to the proceeding on the basis of absolute equality. At present, also, the application of a clearing system is justified only if it is based on

the principle of reciprocity and the equal standing of both parties.

Beyond that, the clearing system should not alter in any way the principle that private persons remain the bearers of claims and debts. Consequently, freedom of intercourse between the parties should be granted as well as their free right of determination concerning assertion, remission, alteration and postponement of the claims covered by the clearing system, insofar as that is compatible with such a system of procedure. The application of the clearing system has its justification in the endeavor to remove the difficulties which the individual creditor would encounter in privately asserting his claims after the conclusion of peace, and further in the endeavor to reestablish as quickly as possible the private legal rights temporarily invalidated by the war and to restore to them their former validity. The opposite effect would be brought about by introducing a system that prevents free intercourse between creditor and debtor and, by the intervention of official organizations, severs the connections existing between them before the war. The economic life not only of a single state but of the whole world would be impaired thereby and an economic barrier would be erected between the peoples, which would be incompatible with the legal bases of peace.

It must be stated that these two principles, namely, the principle of complete reciprocity and the principle of maintaining the right of free disposal of the parties, have been violated by the following provisions in the proposals of our opponents:

1. by the provision that each and any of the Allied and Associated Powers, but not Germany, shall be at liberty to decide whether the system is to be applied or not. (Article 296 e).

2. by the provision that debts shall always be converted and paid in the currency of the hostile Power concerned (Article 296 d)

3. by the provision that Germany must pay in cash a balance resulting against her, but that a balance arising in favor of Germany may be retained to cover the general claims of compensation. (Section II, Annex to Article 296).

4. by the provisions prohibiting direct communication between the contracting parties and prohibiting the independent assertion of claims. (Article 296 a, sections 3, 5 of the Annex).

Only in case these provisions are cancelled can the clearing system

be recognized as being in accordance with the principles that are to constitute the basis of the treaty of peace.

## II. INDIVIDUAL PROVISIONS

The following observations must be made regarding the individual provisions of this section:

1. In Article 296, paragraph 1, numbers 3 and 4, the following proviso is made: "provided that the payment..... to nationals of that Power or to neutrals has not been suspended during the war." It is not clear what the purpose of this limitation is, nor, especially, to what countries it applies.

2. The claims mentioned in Article 296, paragraph 2, arising out of liquidations will be discussed in the comments on Section IV.

3. Article 296, paragraph 3 a. The prohibition of payment provided for in this paragraph is justified in itself. The importance of the clearing office and of its mediation for the settlement of all claims between the contracting parties would be endangered, if direct payments were allowed without the clearing office taking cognizance of and consenting to the same. On the other hand, the prohibition of communication between the interested parties, as provided for in this paragraph, must be repealed. Even communication through the medium of the clearing office would hinder a settlement, the results of which could satisfy both parties without imposing a restraint on them. On the contrary, efforts should be made to have the contracting parties come to an understanding by free communication, because this is the only way in which they can restore their commercial relations.

4. Article 296, paragraph 3 b. The guarantee of the State for the debts of its nationals, provided for in this paragraph, has been proposed in Germany also several times during the war by interested parties. But it was opposed again and again by others and was rejected by the Government, although this guarantee might have been regarded as advantageous to Germany according to the war situation then prevailing. As a matter of fact considerable doubts may be entertained about the governmental guarantee of deficits. In particular, the nationals of the creditor state whose claims are jeopardized are granted a far-reaching and unfounded advantage by the debtor state over all other creditors, whose claims are dubious, and over other persons, whose rights of claim have been compromised by the war. However, the agreement concerning a



guarantee of deficit would be tolerable, if complete reciprocity should be vouched for as stipulated above. In particular it would be necessary that the guarantee of deficit in favor of German creditors should not become ineffective in case one of the enemy states should make use of its discretionary power not to apply the clearing system. It would further be necessary, that the guarantee should not become illusory for the German creditors in consequence of the lien on the German credit balance.

The exceptions to the guarantee of deficit stipulated in paragraph b, sentence 1, are recognized as being justified in principle. But in order to be able to understand fully the scope of this provision, we ask for an explanation of the juridical conceptions "faillite, déconfiture, état d'insolvabilité déclarée" (bankruptcy, failure, formal indication of insolvency). There is no objection to a further exception being made in favor of the debtors in the formerly occupied territories, although the German Delegation are aware of the fact that guarantee of deficit hereby loses much of its value for Germany.

5. Article 296, paragraph 3 d. This provision, according to which the debts must be paid or credited in the currency of the interested enemy power, is unacceptable, being an arbitrary alteration of the contents of the obligation. The original legal character of the debt must be maintained without regard to whether this results to the advantage or disadvantage of the creditor. The French wording of the provision correctly characterizes the proposed settlement of the payment in another currency as a "conversion." Such a conversion of the debt not stipulated by the parties constitutes under all circumstances a breach of the private law agreements. Apart from this, the proposed settlement would cause an extraordinary increase in the demand for bills in the currency of the Allied and Associated Powers. This must necessarily lead to a further depreciation of the German currency. A further consequence would be that, even if the conversion is effected at the pre-war rate of exchange, to make payments bills in foreign currency must be bought, which could be obtained only at a price several times that of the rate of exchange.

Accordingly it must be demanded, that the payment of the money debts shall be effected in the original currency. This implies no injustice, for every creditor who accepts the promise of payment in foreign currency runs the risk that this currency may depreciate

in comparison with the currency of his own country. It may be mentioned in this connection that the treaties of August 24, 1918, supplementary to the peace treaty of Brest-Litovsk, in spite of the low rate of exchange of the ruble, provided for no measure protecting the German creditor from losses resulting from this low rate of exchange, because this would have been contrary to the principle of maintaining the original juridical situation.

6. Article 296, paragraph 3 d, subparagraph 4. Regarding payments to creditors of the newly created States, the fixing of the rate of exchange by the Reparation Commission seems unjustified. If the debt is expressed in the currency of the former State, within whose territory the new State was established, it is suggested that the provisions of the new State concerning the relations between its currency and the original currency be used as a basis. It must be understood, besides, that the position of the German parties interested shall not be worse than that of other parties, whether nationals or foreigners. It will be necessary for each new State to fix such a relation as soon as it creates a new currency, if only out of consideration for the debts pending between its own nationals.

7. Article 296, paragraph 3 e. According to this provision a period of six months is granted to the Allied and Associated Powers, within which they may decide, according to their own discretion, whether they want to adopt the clearing system or not. This provision, as has been stated above, does away with the reciprocity which must be stipulated as condition of such procedure. The consequence of this provision would be, that the procedure would be applied only in such cases in which, on a balance of claims and debts, a credit balance would result in favor of the respective enemy state. In any case, no other purpose for this provision is evident. This consideration has a double importance, if the provision of section II, paragraph 2, of the Annex is dropped, as is absolutely necessary; for then, without doubt, only those Allied or Associated Powers whose account should show a credit balance would adopt the system, whilst those other powers, whose account should result in a debit balance, would reject it.

8. Article 296, paragraph 3 f. The meaning of this provision is not clear to the German Delegation. A detailed explanation, especially a statement of cases in which this provision is to apply, is asked for.

### III. Special provisions relative to Alsace-Lorraine

According to Article 72 of the draft, the clearing system shall be applied also to relations between Alsace-Lorrainers and other Germans. It is provided, however, that the expression "before the war," as used in Article 296, paragraph 1, number 1, be replaced by the expression "before November 11, 1918," the date of the armistice. In this way there would be attributed to the Alsace-Lorrainers, with retroactive effect, for a period during which they unquestionably belonged to Germany, the character of enemies of Germany, as far as the economic war is concerned,—a regulation which lacks any real foundation. Its only purpose is to use the private claims of German nationals against German debtors in the occupied territory for the reimbursement of the charges imposed on Germany.

The objections raised above, touching the currency and the rate of exchange of the claims to be adjusted, are made all the stronger in this case by the fact that the contracts which are to be changed arbitrarily have been concluded between Germans in Germany, and that in such cases there is no question of the risk of foreign exchange. With regard hereto the principle must be upheld with all energy that, even in case Alsace-Lorraine should be ceded to France, the debts are always to be paid in the original currency.

### SECTION IV.

#### Property, rights and interests

(Articles 297, 298)

The standpoint of the German Delegation relative to the proposals contained in this section has been set forth in detail in the note of May 22, 1919. We refer again to this note. We must, however, emphasize the fact that some members of the Allied and Associated Governments have been endeavoring within the last months to anticipate, without any legal foundation, the advantages of a settlement by contract aimed at in the draft of the peace treaty. While Germany has felt herself bound, as a matter of course, to abstain, since the conclusion of the armistice, from all further coercive measures with respect to the private property of enemy nationals and to confine herself, in the execution of the measures prescribed

before that date, to acts of conservation necessary in the interest of the owners, several enemy States have taken advantage of the long duration of the armistice to start forced liquidations of the German private property so far unmolested, or to continue the pending liquidations in an intensified form. According to information received by the German Government, this has been done for instance in France, Belgium, China and Guatemala. If such measures must be declared incompatible with the armistice, this applies with still greater force to the measures of liquidation which the French occupation authorities have taken lately in Alsace-Lorraine without waiting for the final decision as to the fate of this territory. The German Government considers it incompatible with its duty of protecting the Germans affected by such measures to sanction this procedure by accepting the peace conditions relative thereto and thus to make possible even its future application.

In addition, the following remarks must be made as a supplement to the note of May 22:

1. By Article 297, f and g, the nationals of those enemy States that have not ordered a "general liquidation" of enemy property until after the conclusion of the armistice are granted the special privilege of demanding *restitutio in integrum* instead of compensation for the damage done to them by German special legislation. First of all the question arises as to what is meant here by "general liquidation," and to which of the enemy States it applies. Further information would be desirable as to why and by what legal right a special favor is demanded for States which, after the cessation of hostilities, have resolved upon a liquidation of German property and thereby have violated the spirit and sense of the armistice.

2. According to Article 297 h, the net proceeds of liquidations on both sides can be credited in the clearing system outlined in Section III. It does not appear whether, and in what manner, the Allied and Associated Governments intend in this case also that the net proceeds realized to the credit of German owners should be liable under Section 4 of the Annex.

3. The one-sided reservation in the Annex to Article 298, Section 1, paragraph 1, last sentence, according to which the titles to property heretofore acquired by nationals of enemy States shall not be prejudiced by the confirmation of the validity of war legislation,



needs explanation. It is not clear what kind of property rights are to be protected by this reservation.

4. Particularly worth pointing out is the quite arbitrary, and in no way justifiable provision in the Annex to Article 298, Section 5, according to which German branch-companies which are controlled by companies incorporated in enemy States shall be obliged, under certain circumstances, to transfer to the controlling companies, without compensation, the exclusive rights to the use of trademarks and methods of reproduction owned in common.

5. In the democratic state no legal distinction exists between fellow citizens. Therefore the legal treatment of the private property of former German sovereigns cannot be different from the treatment of the property of any other German. The consideration of such property as property of the public domain, which appears repeatedly in the draft (see Article 56, paragraph 3, Article 144, paragraph 2, Article 153, paragraph 2, Article 256, paragraph 2, Article 257, paragraph 3), is therefore entirely unjustifiable.

6. The German Government expects that the Allied and Associated Governments will not only leave the German institutes of research and instruction within their territories in the possession of the real estate belonging to them or placed at their disposal, but will also guarantee the continuation of the rights and privileges granted to these institutes in peace time to aid them in their scientific activity.

## SECTION V.

### Contracts, Prescriptions, Judgments

(Articles 299 – 303)

#### I. CONTRACTS

According to the draft, the question how far contracts concluded between nationals or inhabitants of belligerent States are to be maintained or dissolved, shall not be regulated uniformly for all belligerent Powers. The draft contains special provisions only for contracts concluded between "enemies," i. e. for contracts concluded between nationals of such States, one of which at least has prohibited, or otherwise considered unlawful, trading with the enemy; the draft also excepts from these provisions the contracts concluded between German nationals on the one side and nationals of the United States

of America, Brazil or Japan on the other. The German Delegation ask to be informed of the reasons which have led to this distinction.

Contracts between enemies shall, according to Article 299 a, be regarded in principle as having been dissolved; among the number of contracts, however, which have been executed by one party and from which a claim for money may be derived, certain classes, enumerated in the Annex, section 2, shall be maintained. This principle is restricted by Article 299 b, and by the Annex, section 2, first sentence. Each enemy Power concerned has the right to demand, "in the general interest," the execution of contracts which otherwise should be dissolved. The contracts which are maintained can be liquidated; the war legislation of the Allied and Associated Powers remains applicable to them, including the regulations permitting the dissolution of contracts by official order or by giving notice. Consequently the maintenance of contracts between enemies is made to depend entirely upon the good pleasure of these Powers or their nationals. Such a regulation appears unacceptable. It would perpetuate the legal uncertainty caused by the conditions of war and would, moreover, abandon, for the future as well, the German contractual interests to foreign arbitrary power. In other respects the German Delegation share the opinion that the problem of the future treatment of pre-war contracts cannot be solved uniformly for all classes of contracts and that, therefore, neither the principle of dissolution nor that of maintenance can be upheld without exception. According to the German legal conception, indeed, the principle of dissolution of pre-war contracts, as established by the draft, is open to serious objections. But these shall be put aside. In any case, the question will have to be discussed, to what extent exceptions to this principle should be made for special reasons by maintaining certain classes of contracts or by laying down special rules for such classes. This question can only be settled by thorough discussion in a mixed committee of experts.

Details, especially Sections II and III of the Annex, will therefore not be discussed here. Nevertheless, we must point out here the arbitrary character of the regulation proposed in Article 299 d; according to this provision, contracts between inhabitants of territories to be ceded on the one hand, and former enemies on the other, are to be maintained only in case the party living in the territory to be ceded shall acquire the nationality of his former enemy. This

one-sided favoring of persons who choose the new nationality is without any legal justification. Equally unjustifiable is the provision in section 12 of the Annex, which enables the Allied and Associated Powers to cancel the life insurance contracts concluded by their nationals with German insurance companies, and thereby to destroy the foreign business of these companies for the benefit of non-German companies.

A special treatment is reserved for the contracts made before the promulgation of the French decree of November 30, 1918, between inhabitants of Alsace-Lorraine on the one hand and the German Empire, the single German States or Germans resident outside Alsace-Lorraine, on the other hand. These contracts are maintained in principle; a natural solution, since it is not a question of contracts between enemies. Nevertheless, by paragraph 2 of the provision, the French Government is given complete power to cancel any contract "in the general interest." The German Delegation protest in principle against the idea that the cession of Alsace-Lorraine should involve such encroachments upon private legal relations.

## II. PRESCRIPTIONS

There are no objections in principle to be raised against the propositions made in Article 300, a and g, and in Article 301, relative to the periods of prescription, limitation and presentation, as well as to the maintenance of claims arising from negotiable instruments. Nevertheless, why Article 300 shall not apply to contracts made between German nationals on the one hand and nationals of the United States of America, Brazil and Japan on the other, requires an explanation.

An explanation is required relative to the contents and cause of the provisions proposed in Article 300, b and d. It is not clear what is meant by "measures of execution," (*mésures d'exécution*),—particularly whether the clause refers only to writs of execution and attachment issued by the Courts or to other measures as well, and if so, to which. Paragraph d seems, according to its wording, not to be limited to contracts concluded between enemies nor to cases of nonfulfillment on account of war measures; the regulation seems incomprehensible, even if the provisions quoted (Section VI) are taken into consideration.

### III. JUDGMENTS

According to Article 302, certain judgments given by the courts of the Allied or Associated Powers, shall be enforceable in Germany without further formality; certain judgments given by German courts shall be subject to reexamination by the Mixed Arbitral Tribunal. Since the impartiality of the German courts cannot be doubted, the refusal of reciprocity in these cases allows of only one explanation, i. e. the desire of the enemy to undermine the authority of the German courts—a desire which is perceptible in numerous other parts of the draft. If full reciprocity were granted, there would be no objections to raise against Article 302.

Article 78, which in a number of provisions regulates the transfer of jurisdiction in Alsace-Lorraine, occasions the following remarks:

The provision in paragraph 1, number 1, relative to the mutual recognition of the effect of judgments is, in principle, acceptable, provided, however, that the date of the 11th of November, 1918 be replaced by the date of the transfer of sovereignty. The exception to the disadvantage of judgments rendered by courts in Alsace-Lorraine in controversies between Alsace-Lorrainers and other Germans (paragraph 2) is irreconcilable with the dignity of German courts. For the same reason the provision in number 2 is unacceptable in its present form, since it intends to disguise the amnesty for political crimes evidently aimed at, under the form of declaring void the verdicts of German criminal courts.

Considering that the proposition to give retroactive force to the transfer of sovereignty seems unjustified, the provision in number 3, paragraph 1, first sentence, declaring null and void certain verdicts of the Imperial Court, must be eliminated.

### SECTION VI.

#### Mixed Arbitral Tribunals

(Articles 304-305)

#### I.

The establishment of mixed courts of arbitration is dictated by justice and by practical reasons. It must be regulated in such manner that uniformity of jurisdiction is guaranteed for all contro-



versies originating in the settlement of private rights, and that the decisions of the court are carried out uniformly in all contracting States.

The draft departs from these principles in the following points:

1. Jurisdiction is vested in the national courts partly to the exclusion of the jurisdiction in the first instance of the Mixed Arbitral Tribunal; this is the case in the Annex to Article 296, section 16, paragraph 2, whereby, at the request of the Creditor Clearing Office, the Mixed Arbitral Tribunal is replaced by the court of the place of domicile of the debtor; in Article 300 b, whereby the claim of a national of an Allied or Associated Power to damages caused by measures of execution taken in German territory, is withheld from the Mixed Arbitral Tribunal if the matter falls within the competence of a court of an Allied or Associated Power; in Article 304 b, whereby the national courts of the Allied, Associated and Neutral Powers, within their jurisdiction over controversies relating to contracts between nationals of the enemy Powers, exclude the competence of the Mixed Arbitral Tribunal, provided, however, that the plaintiff who is a national of an Allied or Associated Power may bring the case before the Mixed Arbitral Tribunal, unless the jurisdiction of the national court is exclusive; finally Article 310, whereby the Mixed Arbitral Tribunal is declared competent to settle a controversy regarding the conditions of new licenses only if the rights of the old license have been acquired under German legislation.

2. Relative to the regulation of the effect of the decisions, the wording of Article 304 f [French text]<sup>1</sup> differs from the seemingly more extensive provision in the Annex to Article 296, section 24; the latter mentions not only their finality, but also expressly their conclusiveness, while the former mentions finality only.

In order to remove these dissimilarities we propose the following:

1. A comprehensive and exclusive jurisdiction should be vested in the Mixed Arbitral Tribunal. All reservations for the benefit of other courts (Article 296, Annex, section 16, paragraph 2, Articles 300 b, 304 b and 310) should be eliminated; reciprocity should be granted in Article 302, paragraph 2. The concentration of all

<sup>1</sup>Les Hautes Parties Contractantes conviennent de considérer les décisions du Tribunal arbitral mixte comme définitives, et de les rendre obligatoires pour leurs ressortissants.

controversies of the same kind upon one court would guarantee the continuity and uniformity of jurisdiction and prevent bothersome disputes about competence, advantages long since recognized by the jurisprudence of all nations.

Besides, the grant of jurisdiction in controversies arising from the peace treaty would place a difficult task before the national courts, since their judgments, if rendered against their own nationals, would be attacked by the nationalistic press, while, if given against the nationals of the former enemy, they would always be regarded by these as the result of prejudice. The Mixed Arbitral Tribunal alone is above accusations and attacks of this kind. In this respect Article 305, first sentence, which, to be sure, does not apply to the relations between Germany and the United States of America, points out the proper way.

2. All decisions of the Mixed Arbitral Tribunals should be final and conclusive within the jurisdiction of all contracting States.

## II.

The proposed composition of the Mixed Arbitral Tribunals seems essentially justified on the condition that the League of Nations, the council of which is to choose the disinterested president, include Germany.

## III.

According to sections 8 and 9 of the Annex, the language in which the proceedings shall be conducted, and the time and place for the meetings shall be determined by the enemy Power concerned. This is not only an injustice to Germany, unparalleled in all international and national agreements of arbitration, but it is also impractical. It would be nearly impossible to obtain the services of persons of high judicial standing from neutral countries for the office of the president if the designation exclusively by an enemy Power of the language of the court and the place of meeting should lead to the selection of a difficult language little used in international relations or of a place not easily accessible. Besides, the determination of the time by one party alone would render any amount of delay possible. Therefore it seems preferable, in accordance with the usages of courts everywhere, to leave the designation of language, time and place to the president, since he

enjoys the confidence of all concerned. He will invariably choose one of the great world languages. The designation of the German, English and French languages as permissible languages of court in every case might also prove acceptable.

#### IV.

In the spirit of reciprocity resulting from the interest common to all states in an equal and just settlement of these controversies, the courts and other authorities of all contracting Powers should within their competence assist the Mixed Arbitral Tribunals in every way, by means of direct intercourse, and especially by acting as intermediaries in the serving of legal notice and in the taking of evidence.

#### SECTION VII.

##### Industrial property

(Articles 306-311)

The provisions relative to protection of industrial property are founded on a principle which would comply with the demands of right and equity if they were carried out logically, and if reciprocity were fully guaranteed. According to Article 306, paragraph 1, not only all rights of industrial, literary and artistic property, as defined by the International Conventions of Paris and of Berne, but also the claims arising from applications made for such property rights and from the publication of a literary or artistic work, shall be re-established in every respect for all contracting States, upon the coming into force of the treaty. The group of persons for whose benefit the reestablishment is to take place, is not quite clearly defined. The meaning of the words "legal representatives" in the English and "ayants droit" in the French text requires an explanation.

The general idea of the reestablishment of all rights is, however, heavily impaired in its practical effect by the reservation of the other provisions of the craft. This reservation includes the clauses permitting the liquidation of German property rights after the war (see Article 297 and Annex to Article 298, section 15).

The import of section 15 is, to be sure, not quite devoid of ambiguity in every respect and requires explanation. In any case it would enable the Allied and Associated Powers to seize again immediately, by process of liquidation, the property rights restored to their

German holders. Beyond this, however, the principle enunciated, insofar as it deals with German property rights, is deprived of every practical significance by a series of exceptions formulated in the exclusive interest of the Allied and Associated Powers. In itself the principle would have the result that all legal and official measures taken during the war to the disadvantage of nationals of enemy States would lose their efficacy from the moment the peace treaty came into force. Germany is to be compelled also to recognize this consequence as far as the German measures are concerned. For their part, however, the Allied and Associated Powers intend, according to Article 306, paragraph 2, to maintain in full force the results of their economic warfare against the German holders of property rights. The economic significance of this demand is increased by the provision in Article 306, paragraph 3, that no exploitation of German property rights accomplished during the war by an Allied or Associated Power, or with its consent, shall entail any responsibility whatever towards the German holder. As a result, the rights of property are reestablished only for the benefit of nationals of the Allied and Associated Powers. Insofar as the war measures on both sides have led to the granting of reparations or indemnities, these are to be dealt with, as a rule, according to the general stipulations regarding the adjustment of liabilities, the great injustice of which has already been alluded to above. In addition to this, however, the principle of Article 306, paragraph 4, is infringed upon, in that each of the enemy Powers reserves for itself the right to withdraw from this adjustment by means of its own internal legislation, that is to say, quite arbitrarily. If the adjustment does take place, the "sums due or paid" ("sommues dues ou payées") are to be credited to the account of Germany, the "sums produced" ("sommues produites") to that of her opponents. It must be explained whether the difference in the wording implies a difference in fact.

The proposals of the Allied and Associated Powers, however, are not satisfied merely with safeguarding the advantages derived from war measures; their aim is rather, according to Article 306, paragraph 5, to provide for themselves the possibility of seizing German property rights in peace time also. They wish to reserve to themselves the privilege of exploiting, for their own benefit, property rights of Germans, whether acquired before, or even after, the war; they wish to reserve the privilege of granting



licenses for controlling all exploitation, and for imposing, in any way they please, conditions or other limitations upon the exercise by Germans of their legal rights, especially if this is deemed necessary in order to guarantee the complete fulfillment of any of the obligations assumed by Germany in the peace treaty. With this premise, upon the existence of which the opponent passes decision to the exclusion of impartial control, the Allied and Associated Powers are to be permitted to appropriate to themselves, without any recompense and for an indefinite duration of time, the fruits of the German spirit of invention.

This legal disqualification of German intellectual property is all the more unbearable since it weakens German economic strength in one of the few fields in which Germany might still be in a position to attempt the reconstruction of her economic life and the gradual removal of the burdens imposed upon her by the world war.

The renewal of terms that had expired during the war (Article 307), as well as the reestablishment of rights that may have become ineffective through failure of action or of payment, appears appropriate in principle. Insofar as subsequent protests and actions of nullity are to be admitted, this stipulation goes further than is necessary. If, furthermore, it is proposed that the rights of third parties acquired before the reestablishment of the expired right should remain intact, this provision would seem appropriate if it were not formulated to the exclusive advantage of the Allied and Associated Powers, and if the mode of protection of the duly acquired rights were not left to the discretion of these Powers. Again, a sharp protest must be raised against the last sentence in Article 307, paragraph 2, which, in contradiction to the most generally accepted principles of every peace, seeks to establish permanently the legal conditions prevalent during the war in regard to the revived German patent rights, registered trademarks and designs. In this way the revival of these rights, theoretically provided for in Article 306, would prove practically valueless in connection with the privilege of liquidation equally reserved for these same rights.

The extension of the period for the working of the patent (Article 307, paragraph 3) and the treatment of the rights of priority as well as of the rights acquired in good faith by a third party (Article 308) do not give cause, in principle, for any objections; it only appears expedient that the period of six months provided for in the

last stipulation be extended to one year. The mutual renunciation of actions for the infringement of these rights (Article 309) is also acceptable.

The regulation of the contracts for licenses concluded before the war (Article 310), according to which these contracts are to be looked upon as dissolved with retroactive force from the beginning of the war, is in harmony with the principle established in Article 299, which has already been discussed. If it is accepted there, the inference will have to be drawn here. The original holder of a license is further to be given the right, within the territory of the Allied and Associated Powers, of demanding a renewal of the expired license contract under changed conditions. Moreover, this stipulation, which does not appear justifiable in principle, is in its effect unfavorable to Germany alone, in that the Mixed Arbitral Tribunal, not the German courts, is called upon to pass judgment in cases which cannot be settled by agreement between the parties, and where the legal matter on hand is subject to German law; if, however, the legal matter is subject to the law of one of the enemy Powers, the decision is to be intrusted to the national court of this Power. Justice demands that the Mixed Arbitral Tribunal pass judgment in all cases. The maintenance of the war licenses proposed by paragraph 2, which might perhaps be tolerable in case of recognition of full reciprocity, becomes unjust because it is only the war licenses, granted in favor of nationals of the Allied and Associated Powers, that are to be maintained.

Article 311 needs to be amplified by providing that the German property rights appertaining to the Germans living outside of the territories separated from Germany may henceforth continue to be exercised without limitations in these districts. A corresponding clause ought also to be added to Article 76 of the draft, which should especially guarantee the exercise of German property rights in Germany to the nationals of Alsace-Lorraine.

The numerous doubts and scruples here raised, which are only increased by a closer study of the details of the regulation, render it unavoidable that, before making a final decision, all these problems should be dealt with in joint deliberations by the experts of all the contracting parties.

#### C. SPECIAL PROVISIONS OF MARITIME LAW

(Article 440 and Annex III, Sections 7-9, Part VIII)

Article 440 of the draft demands that Germany recognize all

decrees and orders issued by enemy Prize Courts concerning German ships and German goods and excludes Germany from putting forward any claims on behalf of German nationals. On the other hand, Germany is to allow the decisions and orders of her own Prize Courts to be examined in such manner as the Allied and Associated Powers may determine at their discretion, this applying not only to decisions affecting nationals of those Powers but even affecting nationals of neutral Powers. Further, Germany is to submit to the results of such examination without even a right to be heard.

The partiality of these provisions is all the more intolerable because the Allied and Associated Powers claim for themselves, without any justification, the right of decision with regard to neutral claims against Germany. Justice demands either the recognition or the indiscriminate and impartial examination of the decrees and orders issued by the Prize Courts of all contracting Powers. To either of these two solutions Germany could agree. Should an examination be agreed upon, it can only be undertaken by an international court constituted on a footing of equality.

If the provisions of Article 440 were to become valid, the Allied and Associated Powers would unlawfully receive a considerable amount of assets to which Germany is lawfully entitled, besides the full and ample compensation demanded by them. Under the terms of the armistice the German Empire had to deliver up the former enemy tonnage adjudged to her by valid decisions of Prize Courts. The draft says nothing of a restitution or taking into account of that tonnage. On the other hand no attempt is made to make compensation for this unjustified injury by the restitution of the former German ships or cargoes affected by decrees or orders of hostile Prize Courts, or at least by making allowance for their value.

In connection with the aforesaid, the provisions of sections 7, 8 and 9 of Annex III to Part VIII must also be mentioned.

According to section 7, Germany would have to take any measures that might be suggested to her by the Reparation Commission to redeem the German ships transferred to neutrals since the beginning of the war. Thereby Germany would be at the mercy of foreign speculation. According to section 8, Germany is to renounce all claims in respect of the detention, employment, loss or damage of German ships, excepting the payments stipulated by the armistice protocols. Thereby Germany would be deprived, among

other things, of all claims she might be entitled to on account of damage, according to the principles of international law relating to the treatment of ships under embargo. According to Section 9, Germany is to renounce all claims to ships and cargoes sunk and subsequently salvaged; this clause is to be enforced without regard to the decisions made by the Prize Courts of Germany or of her Allies.

These provisions appear unjustified in their present form; section 9 could be agreed to on condition that the value of salvaged ships and goods, less all costs of salvage, be placed to the credit of Germany on her reparation account.

## D. QUESTIONS OF CRIMINAL LAW

### I.

The German Delegation, in its observations upon the provisions of the draft relating to penalties (Part VII), have expressed the opinion that the infringements of international law committed by individuals in the course of the war must be expiated. In addition to this principle, on the other hand, another principle must be accepted, namely, that other wrongs committed by the nationals of both parties, the necessity for which resulted from the circumstances of war, should, so far as the general feeling for justice allows it, be consigned to oblivion upon the conclusion of peace. This applies to the relation of a belligerent Power not only to its own nationals, but also to the nationals of the other party. An amnesty of that character has been agreed upon in many previous treaties of peace and will also contribute towards a reconciliation of the peoples. Since the draft of the peace conditions provides for no amnesty, the German Delegation make the following proposals:

Apart from the liberation of the prisoners of war and interned civilians guilty of a criminal act, which is dealt with elsewhere, it seems appropriate that each Power should grant the nationals of the other party immunity for all criminal acts committed by them in the course of the war to the benefit of their own country, or for contravention of the special laws enacted to the detriment of enemy aliens; such acts as infringe the laws and customs of war must be excepted.

Further, certain acts which were committed before the conclusion of peace by the inhabitants of a territory occupied by the enemy should be included in the amnesty. The unusual circumstances



prevailing during a military or conventional occupation will often give cause for a political or military behavior which generally loses its significance with the return of the former authorities, and may then remain unpunished without injury to the sense of justice.

## II.

Article 302 of the draft provides for the revision of judgments by default issued in civil procedure. With regard to matters of criminal law, where even more important legal rights are in question, the principle underlying this provision should also be recognized. The German Delegation therefore assume it to be necessary that every State grant to the nationals of the other party the right to a re-hearing of a criminal case brought against them in its courts, if they were convicted by default.

## III.

In connection with the aforesaid, attention must be called to the unlawful procedures of the occupation authorities in Alsace-Lorraine and the Palatinate, who have called persons of different classes—public officials, judges, witnesses, liquidators, public trustees and others—to account before criminal and civil courts for acts which were in conformity with their duties according to the German laws in force.



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## Reply of the Allied and Associated Powers to the Observations of the German Dele- gation on the Conditions of Peace



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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY





# Letter to the President of the German Delegation covering the Reply of the Allied and Associated Powers.

To His Excellency, Count BROCKDORFF-RANTZAU,  
President of the German Delegation, Versailles.

Paris, June 16, 1919.

Sir:

The Allied and Associated Powers have given the most earnest consideration to the observations of the German Delegation on the conditions of peace. The reply protests against the peace, both on the ground that it conflicts with the terms upon which the armistice of November 11, 1918, was signed, and that it is a peace of violence and not of justice. The protest of the German Delegation shows that they utterly fail to understand the position in which Germany stands today. They seem to think that Germany has only to "make sacrifices in order to attain peace", as if this were but the end of some mere struggle for territory and power.

## I

The Allied and Associated Powers therefore feel it necessary to begin their reply by a clear statement of the judgment passed upon the war by practically the whole of civilized mankind.

In the view of the Allied and Associated Powers the war which began on August 1, 1914, was the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilized, has ever consciously committed. For many years the rulers of Germany, true to the Prussian tradition, strove for a position of dominance in Europe. They were not satisfied with that growing prosperity and influence to which Germany was entitled, and which all other nations were willing to accord her, in the society of free and equal peoples. They required that they should be able to dictate and tyrannize to a subservient Europe, as they dictated and tyrannized over a subservient Germany.

In order to attain their ends they used every channel in their power through which to educate their own subjects in the doc-

trine that might was right in international affairs. They never ceased to expand German armaments by land and sea, and to propagate the falsehood that this was necessary because Germany's neighbors were jealous of her prosperity and power. They sought to sow hostility and suspicion instead of friendship between nations. They developed a system of espionage and intrigue which enabled them to stir up internal rebellion and unrest and even to make secret offensive preparations within the territory of their neighbors whereby they might, when the moment came, strike them down with greater certainty and ease. They kept Europe in a ferment by threats of violence, and when they found that their neighbors were resolved to resist their arrogant will they determined to assist their predominance in Europe by force.

As soon as their preparations were complete, they encouraged a subservient ally to declare war against Serbia at forty-eight hours' notice, knowing full well that a conflict involving the control of the Balkans could not be localized and almost certainly meant a general war. In order to make doubly sure, they refused every attempt at conciliation and conference until it was too late, and the world war was inevitable for which they had plotted, and for which alone among the nations they were fully equipped and prepared.

Germany's responsibility, however, is not confined to having planned and started the war. She is no less responsible for the savage and inhuman manner in which it was conducted.

Though Germany was herself a guarantor of Belgium, the ruler of Germany violated, after a solemn promise to respect it, the neutrality of this unoffending people. Not content with this, they deliberately carried out a series of promiscuous shootings and burnings with the sole object of terrifying the inhabitants into submission by the very frightfulness of their action. They were the first to use poisonous gas, notwithstanding the appalling suffering it entailed. They began the bombing and long distance shelling of towns for no military object, but solely for the purpose of reducing the morale of their opponents by striking at their women and children. They commenced the submarine campaign with its piratical challenge to international law, and its destruction of great numbers of innocent passengers and sailors, in mid-ocean, far from succor, at the mercy of the winds and the waves, and the yet more ruthless submarine crews. They drove thousands of

men and women and children with brutal savagery into slavery in foreign lands. They allowed barbarities to be practised against their prisoners of war from which the most uncivilized peoples would have recoiled.

The conduct of Germany is almost unexampled in human history. The terrible responsibility which lies at her doors can be seen in the fact that not less than seven million dead lie buried in Europe, while more than twenty million others carry upon them the evidence of wounds and sufferings, because Germany saw fit to gratify her lust for tyranny by resort to war.

The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right.

This attitude of the Allied and Associated Powers was made perfectly clear to Germany during the war by their principal statesmen. It was defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace:

"Let everything that we say, my fellow countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honor and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust."

It was set forth clearly in a speech of the Prime Minister of Great Britain, of December 14, 1917:

"There is no security in any land without certainty of punishment. There is no protection for life, property, or money in a state where the criminal is more powerful than the law. The law of nations is no exception, and until it has been vindicated, the peace of the world will always be at the mercy of any nation whose professors have assiduously taught it to believe that no crime is wrong so long as it leads to the aggrandizement and

enrichment of the country to which they owe allegiance. There have been many times in the history of the world criminal states. We are dealing with one of them now. And there will always be criminal states until the reward of international crime becomes too precarious to make it profitable, and the punishment of international crime becomes too sure to make it attractive."

It was made clear also in an address of M. Clemenceau of September, 1918:

"What do they (the French soldiers) want? What do we ourselves want? To fight, to fight victoriously and unceasingly, until the hour when the enemy shall understand that no compromise is possible between such crime and 'justice'. . . . We only seek peace, and we wish to make it just and permanent in order that future generations may be saved from the abominations of the past."

Similarly, Signor Orlando, speaking on October 3, 1918, declared:

"We shall obtain peace when our enemies recognize that humanity has the right and duty to safeguard itself against a continuation of such causes as have brought about this terrible slaughter; and that the blood of millions of men calls not for vengeance but for the realization of those high ideals for which it has been so generously shed. Nobody thinks of employing—even by way of legitimate retaliation—methods of brutal violence or of overbearing domination or of suffocation of the freedom of any people—methods and policies which made the whole world rise against the Central Powers. But nobody will contend that the moral order can be restored simply because he who fails in his iniquitous endeavor declares that he has renounced his aim. Questions intimately affecting the peaceful life of nations, once raised, must obtain the solution which justice requires."

Justice, therefore, is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German Delegation ask for and say that Germany had been promised. Justice is what Germany shall have. But it must be justice for all. There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. There must be justice for the peoples who now stagger under war debts which exceed £30,000,000,000 that liberty might be saved. There must be



justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed.

That is why the Allied and Associated Powers have insisted as a cardinal feature of the treaty that Germany must undertake to make reparation to the very uttermost of her power; for reparation for wrongs inflicted is of the essence of justice. That is why they insist that those individuals who are most clearly responsible for German aggression and for those acts of barbarism and inhumanity which have disgraced the German conduct of the war, must be handed over to a justice which has not been meted out to them at home. That, too, is why Germany must submit for a few years to certain special disabilities and arrangements. Germany has ruined the industries, the mines, and the machinery of neighboring countries, not during battle, but with the deliberate and calculated purpose of enabling her industries to seize their markets before their industries could recover from the devastation thus wantonly inflicted upon them. Germany has despoiled her neighbors of everything she could make use of or carry away. Germany has destroyed the shipping of all nations on the high seas, where there was no chance of rescue for their passengers and crews. It is only justice that restitution should be made and that these wronged peoples should be safeguarded for a time from the competition of a nation whose industries are intact and have even been fortified by machinery stolen from occupied territories. If these things are hardships for Germany, they are hardships which Germany has brought upon herself. Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged?

Not to do justice to all concerned would only leave the world open to fresh calamities. If the German people themselves, or any other nation, are to be deterred from following the footsteps of Prussia, if mankind is to be lifted out of the belief that war for selfish ends is legitimate to any state, if the old era is to be left behind and nations as well as individuals are to be brought beneath the reign of law, even if there is to be early reconciliation and appeasement, it will be because those responsible for concluding the war have had the courage to see that justice is not deflected for the sake of convenient peace.

It is said that the German Revolution ought to make a difference and that the German people are not responsible for the policy of the rulers whom they have thrown from power.

The Allied and Associated Powers recognize and welcome the change. It represents a great hope for peace, and for a new European order in the future. But it cannot affect the settlement of the war itself. The German Revolution was stayed until the German armies had been defeated in the field, and all hope of profiting by the war of conquest had vanished. Throughout the war, as before the war, the German people and their representatives supported the war, voted the credits, subscribed to the war loans, obeyed every order, however savage, of their government. They shared the responsibility for the policy of their government, for at any moment, had they willed it, they could have reversed it. Had that policy succeeded they would have acclaimed it with the same enthusiasm with which they welcomed the outbreak of the war. They cannot now pretend, having changed their rulers after the war was lost, that it is justice that they should escape the consequences of their deeds.

## II

The Allied and Associated Powers therefore believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right fulfilling the terms agreed upon at the time of the armistice. There can be no doubt as to the intentions of the Allied and Associated Powers to base the settlement of Europe on the principle of freeing oppressed peoples, and re-drawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life. These intentions were made clear, not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses" which were the agreed basis of the peace. A memorandum on this point is attached to this letter.

Accordingly the Allied and Associated Powers have provided for the reconstitution of Poland as an independent state with "free and secure access to the sea". All "territories inhabited by indubitably Polish populations" have been accorded to Poland. All territory inhabited by German majorities, save for a few isolated towns and for colonies established on land recently forcibly expropriated and situated in the midst of indubitably Polish territory, has been left to Germany. Wherever the will of the people is in doubt a plebiscite has been provided for. The

town of Danzig is to be constituted a free city, so that the inhabitants will be autonomous and not come under Polish rule and will form no part of the Polish state. Poland will be given certain economic rights in Danzig and the city itself has been severed from Germany because in no other way was it possible to provide for that "free and secure access to the sea" which Germany has promised to concede.

The German counter-proposals entirely conflict with the agreed basis of peace. They provide that great majorities of indisputably Polish population shall be kept under German rule.

They deny secure access to the sea to a nation of over twenty million peoples, whose nationals are in the majority all the way to the coast, in order to maintain territorial connection between East and West Prussia, whose trade has always been mainly sea-borne. They cannot, therefore, be accepted by the Allied and Associated Powers. At the same time, in certain cases the German note has established a case for rectification, which will be made; and in view of the contention that Upper Silesia, though inhabited by a two to one majority of Poles (1,250,000 to 650,000, 1910 German census), wishes to remain a part of Germany, they are willing that the question of whether Upper Silesia should form part of Germany, or of Poland, should be determined by the vote of the inhabitants themselves.

In regard to the Saar basin, the régime proposed by the Allied and Associated Powers is to continue for fifteen years. This arrangement they considered necessary both to the general scheme for reparation, and in order that France may have immediate and certain compensation for the wanton destruction of her northern coal mines. The district has been transferred not to French sovereignty, but to the control of the League of Nations. This method has the double advantage that it involves no annexation, while it gives possession of the coal field to France and maintains the economic unity of the district, so important to the interests of the inhabitants. At the end of fifteen years the mixed population, who in the meanwhile will have had control of its own local affairs under the governing supervision of the League of Nations, will have complete freedom to decide whether they wish union with Germany, union with France, or the continuance of the régime established by the treaty.

As to the territories which it is proposed to transfer from Germany to Denmark and Belgium, some of these were forcibly

seized by Prussia, and in every case the transfer will only take place as the result of a decision of the inhabitants themselves, taken under conditions which will ensure complete freedom to vote.

Finally, the Allied and Associated Powers are satisfied that the native inhabitants of the German colonies are strongly opposed to being again brought under Germany's sway, and the record of German rule, the traditions of the German Government and the use to which these colonies were put as bases from which to prey upon the commerce of the world, make it impossible for the Allied and Associated Powers to return them to Germany, or to entrust to her the responsibility for the training and education of their inhabitants.

For these reasons, the Allied and Associated Powers are satisfied that their territorial proposals are in accord both with the agreed basis of peace and are necessary to the future peace of Europe. They are therefore not prepared to modify them except as indicated.

### III

Arising out of the territorial settlement are the proposals in regard to international control of rivers. It is clearly in accord with the agreed basis of the peace and the established public law of Europe that inland states should have secure access to the sea along navigable rivers flowing through their territory. The Allied and Associated Powers believe that the arrangements which they propose are vital to the free life of the new inland states that are being established and that they are no derogation from the rights of the other riparian states. If viewed according to the discredited doctrine that every state is engaged in a desperate struggle for ascendancy over its neighbors, no doubt such arrangement may be an impediment to the artificial strangling of a rival. But if it be the ideal that nations are to cooperate in the ways of commerce and peace, it is natural and right. The provisions for the presence of representatives of non-riparian states on these river commissions is security that the general interest will be considered. In the application of these principles, some modifications have however been made in the original proposals.

### IV

The German Delegation appear to have seriously misinterpreted the economic and financial conditions. There is no inten-



tion on the part of the Allied and Associated Powers to strangle Germany or to prevent her from taking her proper place in international trade and commerce. Provided that she abides by the treaty of peace and provided also that she abandons those aggressive and exclusive traditions which have been apparent no less in her business than in her political methods, the Allied and Associated Powers intend that Germany shall have fair treatment in the purchase of raw materials and the sale of goods, subject to those temporary provisions already mentioned in the interests of the nations ravaged and weakened by German action. It is their desire that the passions engendered by the war should die as soon as possible, and that all nations should share in the prosperity which comes from the honest supply of their mutual needs. They wish that Germany shall enjoy this prosperity like the rest, though much of the fruit of it must necessarily go, for many years to come, in making reparation to her neighbors for the damage she has done. In order to make their intention clear, a number of modifications have been made in the financial and economic clauses of the treaty. But the principles upon which the treaty is drawn must stand.

# V

The German Delegation have greatly misinterpreted the reparation proposals of the treaty.

These proposals confine the amount payable by Germany to what is clearly justifiable under the terms of armistice in respect of damage caused to the civilian population of the Allies by German aggression. They do not provide for that interference in the internal life of Germany by the Reparation Commission which is alleged.

They are designed to make the payment of that reparation which Germany must pay as easy and convenient to both parties as possible and they will be interpreted in that sense. The Allied and Associated Powers therefore are not prepared to modify them.

But they recognize with the German Delegation the advantage of arriving as soon as possible at the fixed and definite sum which shall be payable by Germany and accepted by the Allies. It is not possible to fix this sum today, for the extent of damage and the cost of repair has not yet been ascertained. They are therefore willing to accord to Germany all necessary and reasonable

facilities to enable her to survey the devastated and damaged regions, and to make proposals thereafter within four months of the signing of the treaty for a settlement of the claims under each of the categories of damage for which she is liable. If, within the following two months, an agreement can be reached, the exact liability of Germany will have been ascertained. If agreement has not been reached by then, the arrangement as provided in the treaty will be executed.

## VI

The Allied and Associated Powers have given careful consideration to the request of the German Delegation that Germany should at once be admitted to the League of Nations. They find themselves unable to accede to this request.

The German revolution was postponed to the last moments of the war and there is as yet no guarantee that it represents a permanent change.

In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged. To attempt this too soon would delay and not hasten that process of appeasement which all desire.

But the Allied and Associated Powers believe that if the German people prove by their acts that they intend to fulfil the conditions of the peace, and that they have abandoned those aggressive and estranging policies which caused the war, and now have become a people with whom it is possible to live in neighborly good fellowship, the memories of the past years will speedily fade, and it will be possible at an early date to complete the League of Nations by the admission of Germany thereto. It is their earnest hope that this may be the case. They believe that the prospects of the world depend upon the close and friendly cooperation of all nations in adjusting international questions and promoting the welfare and progress of mankind. But the early entry of Germany into the League must depend principally upon the action of the German people themselves.

## VII

In the course of its discussion of their economic terms, and elsewhere, the German Delegation have repeated their denunciation of the blockade instituted by the Allied and Associated Powers.

Blockade is and always has been a legal and recognized method of war, and its operation has from time to time been adapted to changes in international communications.

If the Allied and Associated Powers have imposed upon Germany a blockade of exceptional severity, which throughout they have consistently sought to conform to the principles of international law, it is because of the criminal character of the war initiated by Germany and of the barbarous methods adopted by her in prosecuting it.

The Allied and Associated Powers have not attempted to make a specific answer to all the assertions made in the German note. The fact that some observations have been passed over in silence does not indicate, however, that they are either admitted or open to discussion.

## VII

In conclusion the Allied and Associated Powers must make it clear that this letter and the memorandum attached constitute their last word.

They have examined the German observations and counter-proposals with earnest attention and care. They have, in consequence, made important practical concessions, but in its principles, they stand by the treaty.

They believe that it is not only a just settlement of the great war, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality. At the same time it creates the machinery for the peaceful adjustment of all international problems by discussion and consent, whereby the settlement of 1919 itself can be modified from time to time to suit new facts and new conditions as they arise.

It is frankly not based upon a general condonation of the events of 1914-1918. It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish "that reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind" which was the agreed basis of the peace.

As such the treaty in its present form must be accepted or rejected.

The Allied and Associated Powers therefore require a declaration from the German Delegation within five days from the date of this communication that they are prepared to sign the treaty as it stands today.

If they declare within this period that they are prepared to sign the treaty as it stands, arrangements will be made for the immediate signature of the peace at Versailles.

In default of such a declaration, this communication constitutes the notification provided for in Article II of the Convention of February 16, 1919, prolonging the armistice which was signed on November 11, 1918, and has already been prolonged by the agreement of December 13, 1918, and January 16, 1919. The said armistice will then terminate, and the Allied and Associated Powers will take such steps as they think needful to enforce their terms.

French text signed: CLEMENCEAU.



## Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace

### BASIS OF THE PEACE NEGOTIATIONS

The Allied and Associated Powers are in complete accord with the German Delegation in their insistence that the basis for the negotiation of the treaty of peace is to be found in the correspondence which immediately preceded the signing of the armistice on November 11, 1918. It was there agreed that the treaty of peace should be based upon the fourteen points of President Wilson's address of January 8, 1918, as they were modified by the Allies' memorandum included in the President's note of November 5, 1918, and upon the principles of settlement enunciated by President Wilson in his later addresses, and particularly in his address of September 27, 1918. These are the principles upon which hostilities were abandoned in November, 1918, these are the principles upon which the Allied and Associated Powers agreed that peace might be based, these are the principles which have guided them in the deliberations which have led to the formulation of the conditions of peace.

It is now contended by the German Delegation that the conditions of peace do not conform to these principles which had thus become binding upon the Allied and Associated Powers as well as upon the Germans themselves. In an attempt to prove a breach of this agreement the German Delegation have drawn quotations from a number of speeches, most of which were before the address to Congress and many of which were uttered by allied statesmen at a time when they were not at war with Germany, or had no responsibility for the conduct of public affairs. The Allied and Associated Powers consider it unnecessary, therefore, to oppose this list of detached quotations with others equally irrelevant to a discussion concerning the basis of the peace negotiations. In answer to the implication of these quotations, it is sufficient to refer to a note of the Allied Powers transmitted to the President of the United States on January 10, 1917, in response to an inquiry as to the conditions upon which they would be prepared to make peace:

"The Allies feel a desire as deep as that of the United States Government to see ended, at the earliest possible moment, the war for which the Central Powers are responsible, and which inflicts sufferings so cruel upon humanity. But they judge it impossible today to bring about a peace that shall assure to them the reparation, the restitution and the guarantees to which they are entitled by the aggression for which the responsibility lies upon the Central Empires—and of which the very principle tended to undermine the safety of Europe—a peace which shall also permit the establishment upon firm foundations of the future of the nations of Europe."

In the same note, in addition to a reference to Poland, they declared the war aims of the Allies to include:

" . . . first of all, the restoration of Belgium, Serbia, Montenegro, with the compensation due to them; the evacuation of the invaded territories in France, in Russia, in Roumania with just reparation; the reorganization of Europe, guaranteed by a stable régime and based at once on respect for nationalities and on the right to full security and liberty of economic development possessed by all peoples, small and great, and at the same time upon territorial conventions and international settlements such as to guarantee land and sea frontiers against unjustified attacks; the restitution of provinces formerly torn away from the Allies by force against the wish of their inhabitants; the liberation of the Italians, as also of the Slavs, Roumanians, and Czechoslovaks from foreign domination; the setting free of the populations subject to the bloody tyranny of the Turks; and the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization."

It cannot be disputed that responsible statesmen, those qualified to express the will of the peoples of the Allied and Associated Powers, have never entertained or expressed a desire for any other peace than one which should undo the wrongs of 1914, vindicate justice and international right, and reconstruct the political foundations of Europe on lines which would give liberty to all its peoples, and therefore the prospect of a lasting peace.

But the German Delegation profess to find discrepancies between the agreed basis of peace and the draft of the treaty. They discover a contradiction between the terms of the treaty and a statement taken from an address delivered at Baltimore on April 6, 1918, by President Wilson:

"We are ready, whenever the final reckoning is made, to be just to the German people, as with all others. . . . To propose anything but justice to Germany at any time, whatever the outcome of the war, would be to renounce our own cause, for we ask nothing that we are not willing to accord."

This quotation does not stand alone. It should be read in conjunction with one of the cardinal principles of the Mount Vernon address of July 4, 1918, which demanded:

"The destruction of every arbitrary power everywhere that can separately, secretly, and of its single choice disturb the peace of the world or, if it cannot be presently destroyed, at the least its reduction to virtual impotence."

Neither of these two principles of the agreed basis of peace has been lost sight of in the formulation of these conditions.

The German Delegation see in the provisions with regard to territorial settlements a conflict between the terms of the treaty and the following statement made by President Wilson on June 9, 1918:

"If it is indeed and in truth the mutual aim of the governments allied against Germany and of their nations, in the coming negotiations of peace to bring about a sure and lasting peace, all who sit down at the table of negotiations will be ready and willing to pay the only price for which it can be gotten. . . . This price is impartial justice in every item without regard to whose interests may be crossed by it, and not only impartial justice but also satisfaction to all nations whose future is to be decided upon."

In their communication they enumerate a number of territorial settlements and conclude that "their basis is indifferently, now the consideration of an unchangeable historical right, now the principle of ethnographical facts, now the consideration of economic interests. In every case the decision is against Germany."

If in certain cases, not in all, the decision has in fact not been in favor of Germany, this is not the result of any purpose to act unjustly towards Germany. It is the inevitable result of the fact that an appreciable portion of the territory of the German Empire consisted of districts which had in the past been wrongfully appropriated by Prussia or by Germany. It is a chief duty of the Allied and Associated Powers to rectify these injustices in

accordance with the explicit statement of President Wilson in his address to Congress of February 11, 1918:

"Each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent."

The German Delegation find a conflict between the terms of the treaty which set forth the economic provisions and the third of President Wilson's fourteen points:

"The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance."

In their application of this principle the German Delegation would neglect entirely the economic conditions which have resulted from the war, with their own country intact and in no wise suffering from the devastation brought upon the lands and homes of the Allied peoples. They nevertheless seek immediate admission to all of the trade arrangements which are to be provided for by the conditions of peace. This would have the effect of establishing an inequality of trade conditions which would continue in Europe for many years to come. Equality can only be established by arrangements which take into account the existing differences in economic strength and industrial integrity of the peoples of Europe. But the conditions of peace contain some provisions for the future which may outlast the transition period during which the economic balance is to be restored; and a reciprocity is foreseen after that period which is very clearly that equality of trade conditions for which President Wilson has stipulated.

The German Delegation profess to find in the terms of the treaty a violation of the principle expressed by President Wilson before Congress on February 11, 1918:

"That peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game."

The Allied and Associated Powers emphatically reject the suggestion that there has been any "bartering about" of peoples and provinces. Every territorial settlement of the treaty of peace has been determined upon after most careful and labored consideration of all the religious, racial, and linguistic factors in each



particular country. The legitimate hopes of peoples long under alien rule have been heard; and the decisions in each instance have been founded upon the principle explicitly enunciated in this same address; that

"All well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world."

Finally, the German Delegation take exception to the fact that Germany has not been invited to join in the formation of the League of Nations as an original member. President Wilson's declarations, however, envisaged no league of nations which would include Germany at the outset, and no statement of his can be adduced in support of this contention. Indeed, in his speech of September 27, 1918, he laid down with the greatest precision the conditions which must govern her admission:

"It is necessary to guarantee the peace, and the peace cannot be guaranteed as an afterthought. The reason, to speak in plain terms again, why it must be guaranteed, is that there will be parties to the peace whose promises have proved untrustworthy, and means must be found in connection with the peace settlement itself to remove that source of insecurity," and further, "Germany will have to redeem her character not by what happens at the peace table but by what follows."

The Allied and Associated Powers look forward to the time when the League of Nations established by this treaty shall extend its membership to all peoples; but they cannot abandon any of the essential conditions of an enduring league.

## PART I

### THE LEAGUE OF NATIONS

#### I

The Allied and Associated Powers regard the Covenant of the League of Nations as the foundation of the treaty of peace. They have given careful consideration to all its terms and they are convinced that it introduces an element of progress into the

relations of peoples which the future will develop and strengthen to the advantage of justice and of peace.

The text of the treaty itself makes it clear that it has never been the intention of the Allied and Associated Powers that Germany or any other power should be indefinitely excluded from the League of Nations. Provisions have accordingly been laid down which apply generally to states not members of the League and which determine the conditions of their admission subsequent to its formation.

Any state whose government shall have given clear proofs of its stability as well as of its intention to observe its international obligations—particularly those obligations which arise out of the treaty of peace—will find the principal Allied and Associated Powers disposed to support its candidature for admission to the League.

In the case of Germany, it is hardly necessary to say that the record of the last five years is not of a character to justify an exception, at the present time, to the general rule to which reference has just been made. Her case demands a definite test. The length of this period will largely depend upon the acts of the German Government, and it is within the choice of that Government, by its attitude towards the treaty of peace, to shorten the period of delay which the League of Nations, without any intention of prolonging it unduly, shall consider it necessary to fix.

Provided these necessary conditions are assured, they see no reason why Germany should not become a member of the League in the early future.

## II

The Allied and Associated Powers do not consider that an addition to the Covenant in the sense of the German proposals regarding economic questions is necessary. They would point out that the Covenant already provides that "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will make provision to secure and maintain freedom of communications and of transit, and equitable treatment for the commerce of all Members of the League." So soon as Germany is admitted to the League she will enjoy the benefits of these provisions. The establishment of general conventions with regard to transit questions is now being considered.

## III

The Allied and Associated Powers are prepared to accord guarantees, under the protection of the League of Nations, for the educational, religious and cultural rights of German minorities in territories transferred from the German Empire to the new states created by the treaty. They take note of the statement of the German Delegates that Germany is determined to treat foreign minorities within her territory according to the same principles.

## IV

The Allied and Associated Powers have already pointed out to the German Delegation that the Covenant of the League of Nations provides for "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations." They recognize that the acceptance by Germany of the terms laid down for her own disarmament will facilitate and hasten the accomplishment of a general reduction of armaments; and they intend to open negotiations immediately with a view to the eventual adoption of a scheme of such general reduction. It goes without saying that the realization of this program will depend in large part on the satisfactory carrying out by Germany of her own engagements.

## PARTS II AND III

BOUNDARIES OF GERMANY AND POLITICAL  
CLAUSES FOR EUROPE

## SECTION I

## BELGIUM

The territories of Eupen and Malmédy were separated from the neighboring Belgian lands of Limburg, Liège, and Luxembourg in 1814-15, when they were assigned to Prussia for making up the number of people on the left bank of the Rhine taken over as an offset for certain renunciations in Saxony. No account was taken of the desires of the people, nor of geographical or linguistic frontiers. Nevertheless, this region has continued in close economic and social relations with the adjacent portions of Belgium,

and in spite of a century of Prussification the Walloon speech has maintained itself among several thousand of its inhabitants. At the same time the territory has been made a basis for German militarism by the construction of the great camp of Elsenborn and various strategic railways directed against Belgium. The reasons seem sufficient to justify the union of the territory to Belgium, provided the petitions to this effect are sufficiently supported by the population of the district. The treaty makes provision for consulting the population under the auspices of the League of Nations.

With regard to the neutralized territory of Moresnet, the sovereignty of which has been in dispute since 1815, the Prussians make a claim for which there appears to be no justification of any kind. The treaty settles this dispute in favor of Belgium, and at the same time awards to Belgium, in partial compensation for the destruction of Belgian forests, the adjacent domanial and communal woods in Prussian Moresnet.

## SECTION II

### LUXEMBURG

The observations of the German Delegation as to Luxembourg do not require any answer, as the clauses of the treaty are justified by two uncontrovertible facts: the violation of the neutrality of the Grand Duchy by Germany during the war, and the denunciation of the Customs Union on which Luxembourg herself has decided and which she has communicated to the Allied and Associated Powers since the armistice.

## SECTION IV

### TERRITORY OF THE SAAR BASIN

The territory of the Saar basin has already been the subject of an exchange of notes with the German Delegation. The new observations contained in the German communication seem to show a complete misapprehension of the spirit and purpose of this section of the treaty.

The purpose and decision of the Allies have twice been stated, first in the text of the treaty itself, in which (Articles 45 and 46) Germany is to accept the provisions in question "as compensation for the destruction of the coal mines in the north of



France as a part payment towards the total reparation due from Germany for the damage resulting from the war, and in order to assure the rights and welfare of the population;" and secondly, in the note of May 24, "the Allied and Associated Governments have chosen this particular form of reparation because it was felt that the destruction of the mines in the north of France was an act of such a nature that a definite and exemplary retribution should be exacted; this object would not be obtained by the mere supply of a specified or unspecified amount of coal. This scheme, therefore, in its general provisions, must be maintained, and on this the Allied and Associated Powers are not prepared to agree to any alternative."

The German Delegation, on the other hand, declare that "the German Government refuses to carry out any reparation which will have the character of a punishment." The German idea of justice appears, then, to be one which excludes a conception which is essential to any just settlement and a necessary basis for subsequent reconciliation.

It has been the desire of the Allied and Associated Powers in determining upon the form of reparation to be imposed to choose one which, by its exceptional nature, will be for a limited period a definite and visible symbol. At the same time, they intended, by assuring themselves of the immediate possession of a security for reparation, to escape the risks to which the German memoir itself has drawn attention.

On the other hand they have exercised the greatest care in order to avoid inflicting on the inhabitants of the district itself any material or moral injury. In every point their interests have been most scrupulously guarded, and in fact their condition will be improved.

The frontiers of the district have been precisely determined so as to secure the least possible interference with the present administrative units or with the daily vocations of this complex population. It is expressly provided that the whole system of administration of criminal and civil law and of taxation shall be maintained. The inhabitants are to retain their local assemblies, their religious liberties, their schools and the use of their language. All existing guarantees in favor of the working population are maintained, and new rules shall be in accordance with the principles adopted by the League of Nations. It is true that the Governing Commission, with which the final control rests, will not be directly

responsible to a parliamentary assembly, but it will be responsible to the League of Nations and not to the French Government. The arrangement made will afford an ample guarantee against the misuse of the power which is entrusted to it; but, in addition, the Governing Commission is required to take the advice of the elected representatives of the district before any change in the laws can be made or any new tax imposed. The whole revenue derived from taxation will be devoted to local purposes and for the first time since the forcible annexation of this district to Prussia and to Bavaria, the people will live under a government resident on the spot which will have no occupation and no interest except their welfare. The Allied and Associated Powers have full confidence that the inhabitants of the district will have no reason to regard the new administration under which they will be placed as one more remote than was the administration which was conducted from Berlin and Munich.

The German note constantly overlooks the fact that the whole arrangement is temporary, and that at the end of fifteen years the inhabitants will have a full and free right to choose the sovereignty under which they are to live.

## SECTION V

### ALSACE-LORRAINE

The clauses concerning Alsace and Lorraine are but the application of the eighth of the fourteen points which Germany, at the time of the armistice, accepted as the basis of peace; "the wrong done by Prussia to France in 1871, as regards Alsace and Lorraine, which has disturbed the peace of the world for nearly fifty years, must be righted, in order that peace may again be assured in the interest of all."

Fifty years ago the injustice consisted in the annexation of a French country against the will of its inhabitants, as unanimously expressed at Bordeaux by their elected representatives, reiterated in the Reichstag in 1874 and many times since by the election of protesting deputies, and finally confirmed during the war by the special measures which Germany had to take against Alsatians and Lorrainers, both civilians and soldiers.

To right a wrong is to replace things, so far as possible, in the state in which they were before being disturbed by the wrong. All

the clauses of the treaty concerning Alsace and Lorraine have this object in view. They will not, however, suffice to wipe out the sufferings of two provinces which, for nearly half a century, have been for the Germans merely a "military glacis" and, according to the expression of Herr von Kühlmann, a means of "cementing" the unity of the Empire.

The Allied and Associated Powers could not therefore admit a plebiscite for these provinces. Germany, having accepted the eighth point and signed the armistice, which places Alsace and Lorraine in the position of evacuated territories, has no right to demand a plebiscite. The population of Alsace and Lorraine has never asked for it. On the contrary it protested for nearly fifty years, at the cost of its own tranquillity and its own interest, against the abuse of strength of which it was the victim in 1871. Its will is not therefore in doubt, and the Allied and Associated Governments mean to ensure respect for it.

The arguments, based on history and language, once more brought forward by Germany, are formally contested by the Allied and Associated Powers and do not modify their point of view.

The legal objections derived from the "ante-dated cession" are also inadmissible. Germany recognized this when she signed the armistice. Moreover Alsace and Lorraine, by throwing themselves into the arms of France, as into those of a long-lost mother, themselves fixed the date of their deliverance. A treaty founded on the right of self-determination of peoples cannot but take note of a people's will so solemnly proclaimed.

In all its clauses, whether they concern nationality, debts or state property, the treaty has no other object than to restore persons and things to the legal position in which they were in 1871. The obligation of repairing the injustice then committed admits of no other alternative, and Germany herself has accepted this obligation in subscribing to the fourteen points.

It should be added that it is easy to justify the exception made in favor of France to the general principle admitted in the treaty, according to which the state receiving territory takes over part of the public debt of the ceding state and pays for the property of the said state in the ceded territory. In 1871, Germany, when she seized Alsace and Lorraine, refused to take over any part of the French debt; she paid nothing for any French State property, and Herr von Bismarck boasted of this in the Reichstag on May 25, 1871. Today the Allied and Associated Powers mean France

to recover Alsace and Lorraine under exactly the same conditions, and consequently that she should take over no part of the German debt nor pay for any state property. This solution is just, for if German State property includes railways, the French owners of which Germany compensated in 1871 by sums drawn from the war indemnity, and if these railways have been developed since 1871, Germany on the contrary not having, at that time, assumed liability either for that portion of the French debt which belonged to Alsace and Lorraine or for the State property, the loss (capital and interest) imposed on France under this head exceeds the sum to which Germany makes a claim.

As regards the local debt of Alsace and Lorraine and of the public institutions of the provinces which existed before August 1, 1914, it has always been understood between the Allied and Associated Governments that France should accept liability for them.

## SECTION VI

### AUSTRIA

The Allied and Associated Powers take note of the declaration in which Germany declares that she "has never had and will never have the intention of changing by violence the frontier between Germany and Austria."

## SECTION VII

### POLAND

In dealing with the problem of the eastern frontiers of Germany, it is desirable to place on record two cardinal principles.

First, there is imposed upon the Allies a special obligation to use the victory which they have won in order to reestablish the Polish nation in the independence of which it was unjustly deprived more than one hundred years ago. This act was one of the greatest wrongs of which history has record, a crime the memory and the result of which has for long poisoned the political life of a large portion of the continent of Europe. The seizure of the western provinces of Poland was one of the essential steps by which the military power of Prussia was built up. The necessity of holding fast these provinces has perverted the whole political life, first of Prussia and then of Germany. To undo this wrong is



the first duty of the Allies, as has been proclaimed by them throughout the war, even when to some it might have appeared that the prospect of ultimate success was most remote; now that the victory has been won, the aim can be achieved. The restoration has already been spontaneously agreed to by the Russian Government; its attainment is ensured by the collapse of the Central Powers.

The second principle, which has been proclaimed by the Allies and formally accepted by Germany, is that there shall be included in the restored Poland those districts which are now inhabited by an indisputably Polish population.

These are the principles which have guided the Allies in determining the eastern frontiers of Germany, and the conditions of peace have been drawn up in strict accordance with them.

#### POSEN AND WEST PRUSSIA

In the western portions of the former Kingdom of Poland which are now included in the Prussian provinces of Posen and West Prussia, the application of the second principle only to a very small degree modifies that of the first. When the partition took place these portions of Poland were predominantly inhabited by Poles; except in some towns and districts to which German colonists had made their way, the country was completely Polish in speech and sentiment. Had the Allied and Associated Powers applied the strict law of historic retribution, they would have been justified in restoring to Poland these two provinces almost in their entirety. They have, in fact, not done so; they have deliberately waived the claim of historic right because they wished to avoid even the appearance of injustice, and they have left to Germany those districts on the west in which there is an undisputed German predominance in immediate contiguity to German territory.

Apart from these districts it is true that there are certain areas, often far removed from the German frontier, such as Bromberg, in which there is a majority of Germans. It would be impossible to draw a frontier in such a way that these areas should be left German while the surrounding purely Polish areas were included in Poland. There must be some sacrifice on one side or the other. If this is once recognized, there can be no doubt as to who has the prior claim to consideration. Numerous as the Germans in these

districts may be, the number of Poles concerned is greater; to have left these districts to Germany would be to sacrifice the majority to the minority. Moreover, it is necessary to recall the methods by which German preponderance in certain districts has been established. German settlers, German colonists, German residents have not come here merely in obedience to natural causes. Their presence is the direct result of the policy pursued by the Prussian Government, which has used all its immense resources to dispossess the original population and substitute for it one of German speech and German nationality. This process has been continued to the very eve of the war with exceptional harshness, and has called forth protests even in Germany itself. To recognize that such action should give a permanent title to the country would be to give an encouragement and premium to the grossest acts of injustice and oppression.

In order to eliminate any possible injustice the Allied and Associated Powers have caused the western frontiers of Poland to be carefully reconsidered; as a result of this they have made certain modifications in detail with the object of bringing the frontier into closer harmony with the ethnographical division; the result of these changes will be on the whole to diminish the number of Germans who are included in Poland. In particular, the Allied and Associated Powers have determined to adhere strictly to the historical frontier between Pomerania and West Prussia, so that here no part of Germany outside the former Kingdom of Poland shall be assigned to Poland. It is not certain that these changes will be practical improvements; the closer adherence to the ethnic line may produce some local inconvenience.

### UPPER SILESIA

A considerable portion of the German answer is devoted to the question of Upper Silesia. It is recognized that the problem here differs from that in Posen and West Prussia for the reason that Upper Silesia was not a part of the Polish territories when dismembered by the Partition. It may be said that Poland has no *legal* claim to the cession of Upper Silesia; it is emphatically not true that she has no claim which could be supported on the principles of President Wilson. In the district to be ceded, the majority of the population is indisputably Polish. Every German book of reference, every school-book, teaches the German child

that the inhabitants are Polish in origin and in speech. The Allied and Associated Powers would have been acting in complete violation of the principles which the German Government itself professes to accept had they left unregarded the Polish claims to this district.

However, the German Government now contests these conclusions. They insist that separation from Germany is not in accordance with the wishes or the interests of the population. Under these circumstances the Allied and Associated Powers are willing to allow the question to be determined by those particularly concerned. They have therefore decided that this territory shall not be immediately ceded to Poland, but that arrangements shall be made to hold a plebiscite there.

They would gladly have avoided this, for the appeal must be postponed for some considerable time. It will involve the temporary occupation of the district by foreign troops. In order to secure the full impartiality of the vote, it will be necessary to establish a separate commission to administer the territory during the intervening period.

Moreover, in order to prevent Germany from being deprived arbitrarily of materials necessary for her industrial life, an additional article has been included in the treaty providing that mineral products, including coal, produced in any part of Upper Silesia that may be transferred, shall be available for purchase by Germany on the same terms as by the Poles themselves.

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In order further to meet any criticism regarding the consequences of the transfer of territory to Poland, the Allied and Associated Powers have introduced a new provision, described below in the paragraphs on Property, Rights and Interests, the effect of which will be to give protection to Germans in any liquidation of their property.

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The restoration of the Polish State is a great historical act which cannot be achieved without breaking many ties and causing temporary difficulty and distress to many individuals. But it has been the special concern of the Allied and Associated Powers to provide for the adequate protection of those Germans who will find themselves transferred to Poland, as well as of all other religious, racial, or linguistic minorities. There is in the treaty a

clause by which there will be secured to them the enjoyment of religious liberty and also the right to use their own language and that of having their children educated in their own language. They will not be subjected to persecution similar to that which Poles had to endure from the Prussian State.

## SECTION IX

### EAST PRUSSIA

The German Government declares that it cannot accept a solution by which East Prussia shall be separated from the rest of Germany. It must, therefore, be recalled that East Prussia was in fact so separated for many hundreds of years, and that at no date until 1866 was it actually included in the political frontiers of Germany; it has always been recognized by German historians as being not an original German land, but a German colony. It is no doubt for the convenience of Germany that this country, which has been conquered and wrested from its original inhabitants by the German sword, should be in direct contact with the true Germany, but the convenience of Germany is no reason why the dismemberment and partition of another nation should be continued. Moreover, the interests which the Germans in East Prussia, who number less than two millions, have in establishing a land connection with Germany, is much less vital than the interest of the whole Polish nation in securing direct access to the sea.

The larger part of the trade of East Prussia with the rest of Germany is sea-borne; for the commercial life of the province it will matter little that West Prussia is restored to Poland, but for Poland immediate and unbroken communication with Danzig and the remainder of the coast by railways which are entirely under the control of the Polish State is essential. The inconvenience caused to East Prussia by the new frontiers is negligible compared to that which would be caused to Poland by any other arrangement.

But in addition the importance of the railway connection between East Prussia and Germany has been fully recognized in the treaty, and articles dealing with this have been inserted. They have now been carefully revised, and they provide the fullest security that there shall be no impediment placed in the way of communication across the intervening Polish territory.



It is difficult to understand the objections raised by the Germans to the plebiscite which is to be held in certain portions of East Prussia. According to all information, there is in the Allenstein district a considerable Polish majority. The German note states, on the other hand, that it is not inhabited by an incontestably Polish population and suggests that the Poles will not wish to be separated from Germany. It is precisely because there may be some doubt as to the political leanings of the inhabitants that the Allied and Associated Powers have determined to hold a plebiscite here. Where the affinities of the population are undoubted there is no necessity for a plebiscite; where they are in doubt, there a plebiscite is enjoined. It is noted with surprise that the Germans at the very moment when they profess assent to the principle of self-determination, refuse to accept the most obvious means of applying it.

## SECTION X

### MEMEL

The Allied and Associated Powers reject the suggestion that the cession of the district of Memel conflicts with the principle of nationality. The district in question has always been Lithuanian; the majority of the population is Lithuanian in origin and in speech; and the fact that the city of Memel itself is in large part German is no justification for maintaining the district under German sovereignty, particularly in view of the fact that the port of Memel is the only sea outlet for Lithuania.

It has been decided that Memel and the adjoining district shall be transferred to the Allied and Associated Powers for the reason that the status of the Lithuanian territories is not yet established.

## SECTION XI

### DANZIG

The German note declares that the German Government must "reject the proposed rape of Danzig and must insist that Danzig and its environs be left to the German Empire." The use of this language seems to show some want of appreciation of the true situation. The proposed settlement for Danzig has been drawn up with the most scrupulous care and will preserve the character

which Danzig held during many centuries, and, indeed, until forcibly, and contrary to the will of the inhabitants, it was annexed to the Prussian state. The population of Danzig is, and has for long been, predominantly German; just for this reason, it is not proposed to incorporate it in Poland. But Danzig, when a Hansa city, like many other Hansa cities, lay outside the political frontiers of Germany, and in union with Poland enjoyed a large measure of local independence and great commercial prosperity. It will now be replaced in a position similar to that which it held for so many centuries. The economic interests of Danzig and Poland are identical. For Danzig, as the great port of the valley of the Vistula, the most intimate connection with Poland is essential. The annexation of West Prussia, including Danzig, to Germany deprived Poland of that direct access to the sea which was hers by right. The Allied and Associated Powers propose that this direct access shall be restored. It is not enough that Poland should be allowed the use of German ports; the coast, short as it is, which is Polish must be restored to her. Poland claims, and justly claims, that the control and development of the port which is her sole opening to the sea shall be in her hands, and that the communications between it and Poland shall not be subjected to any foreign control, so that in this, one of the most important aspects of national life, Poland should be put on an equality with the other states of Europe.

## SECTION XII

### SCHLESWIG

Schleswig was taken from Denmark by Prussia in 1864 but by the Treaty of Prague in 1866 Prussia undertook that the northern districts should be ceded to Denmark if by a free vote the population expressed a wish to be united to Denmark. In spite of repeated demands on the part of the inhabitants, no measures have ever been taken by Prussia or the German Empire to carry out this promise, and the Government of Denmark and the people of Schleswig have now asked the Peace Conference to secure for them a plebiscite. This the present treaty now guarantees. At the request of the Danish Government provisions have been drawn up for the evacuation of the territory as far as the Eider and the Schlei by the German troops and the higher Prussian

officials, and for the temporary administration of the territory and the holding of the plebiscite by an impartial international commission, on which Norway and Sweden will be represented as well as the Allied and Associated Powers. In consequence of a request made by the Danish Government it has been decided to alter the limits of the territory within which the plebiscite will be held in accordance with their wishes. On the basis of the plebiscite which will be held there, the international commission will propose a precise delimitation of the frontier between Germany and Denmark, a delimitation in which geographic and economic conditions will be taken into account.

### SECTION XIII

#### HELIGOLAND

As regards Heligoland, while accepting the dismantling of the fortifications the German Delegates observe that:

"The measures which are necessary for the protection of the coast and of the harbor must continue in force, in the interests of the inhabitants of the island as well as of peaceful navigation and the fishing industry."

A commission will be appointed by the principal Allied and Associated Powers, after the signature of the treaty, to supervise the destruction of the fortifications. This commission will decide what portion of the works protecting the coast from sea erosion can be allowed to remain and what portion must be destroyed as a precaution against the refortification of the island.

The only harbors it is proposed to destroy are the naval harbors within the positions given in Article 115; the fishing harbor is not within this area, and the naval harbors are not used by fishing vessels. The article must accordingly be accepted unconditionally.

### SECTION XIV

#### RUSSIA

The Allied and Associated Powers are of opinion that none of the reservations or the observations offered by the German Delegation as to Russia necessitate any change in the relevant articles of the treaty.

PART IV  
GERMAN RIGHTS AND INTERESTS  
OUTSIDE GERMANY

I

In requiring Germany to renounce all her rights and claims to her overseas possessions, the Allied and Associated Powers placed before every other consideration the interests of the native populations advocated by President Wilson in the fifth point of his fourteen points mentioned in his address of the 8th of January, 1918. Reference to the evidence from German sources previous to the war, of an official as well as of a private character, and to the formal charges made in the Reichstag, especially by MM. Erzberger and Noske, will suffice to throw full light upon the German colonial administration, upon the cruel methods of repression, the arbitrary requisition and the various forms of forced labor which resulted in the depopulation of vast expanses of territory in German East Africa and the Cameroons, not to mention the tragic fate of the Hereros in South West Africa, which is well known to all.

Germany's dereliction in the sphere of colonial civilization has been revealed too completely to admit of the Allied and Associated Powers consenting to make a second experiment and of their assuming the responsibility of again abandoning thirteen or fourteen millions of natives to a fate from which the war has delivered them.

Moreover, the Allied and Associated Powers felt themselves compelled to safeguard their own security and the peace of the world against a military imperialism which sought to establish bases whence it could pursue a policy of interference and intimidation against the other Powers.

II

The Allied and Associated Powers considered that the loss of her colonies would not hinder Germany's normal economic development.

The trade of the German colonies has never represented more than a very small fraction of Germany's total trade; in 1913 one-half of one per cent. of her imports and one-half of one per cent. of her exports. Of the total volume imported by Germany



of such products as cotton, cocoa, rubber, palm kernels, tobacco, jute and copra, only three per cent. came from her colonies. It is obvious that the financial, commercial and industrial rehabilitation of Germany must depend on other factors.

For climatic reasons and other natural causes the German colonies are incapable of accommodating more than a very small proportion of the excess German emigration. The small number of colonists resident there before the war is conclusive evidence in this respect.

### III

The Allied and Associated Powers have drawn up, in the matter of the cession of the German colonies, the following methods of procedure, which are in conformity with the rules of international law and equity:

(a) The Allied and Associated Powers are applying to the German colonies the general principle in accordance with which the transfer of sovereignty involves the transfer under the same conditions to the state to which the surrender is made of the immovable and movable property of the ceding state.

They see no reason for consenting in the case of the colonies to any departure from that principle which may have been admitted as an exceptional measure in the case of territory in Europe.

(b) They are of opinion that the colonies should not bear any portion of the German debt, nor remain under any obligation to refund to Germany the expenses incurred by the Imperial administration of the protectorate. In fact, they consider that it would be unjust to burden the natives with expenditure which appears to have been incurred in Germany's own interest, and that it would be no less unjust to make this responsibility rest upon the mandatory powers, which, insofar as they may be appointed trustees by the League of Nations, will derive no benefit from such trusteeship.

### IV

The Allied and Associated Powers considered that it would be necessary in the interest of the natives, as well as in that of general peace, to restrict the influence which Germany might seek to exert over her former colonies and over the territories of the Allied and Associated Powers.

(a) They are obliged for the reasons of security already mentioned to reserve to themselves full liberty of action in deter-

mining the conditions on which Germans will be allowed to establish themselves in the territories of the former German colonies. Moreover, the control to be exercised by the League of Nations will provide all the necessary guarantees.

(b) They require Germany to subscribe to the conventions which they may conclude for the control of the traffic in arms and spirits and for the modification of the General Acts of Berlin and Brussels. They do not think that Germany has any ground to consider herself humiliated or injured because she is required to give her consent in advance to measures accepted by all the great commercial powers in regard to questions of such great importance to the welfare of the native populations and to the maintenance of civilization and peace.

## V

The Allied and Associated Powers consider that all the possessions and property of the German state in the territory of Kiaochow must be treated on the same footing as state property in all the other German overseas possessions, and be transferred without compensation. In this connection they recall the fact that Kiaochow, which was unjustly torn from China, has been used by Germany as a military base in pursuance of a policy which, in its various manifestations, has constituted a perpetual menace to the peace of the Far East. In these circumstances they see no reason why Germany should be compensated for the loss of works and establishments and, in general, for public property which in the hands of this Power have for the most part been used merely as a means of carrying out its policy of aggression.

Insofar as concerns the railway and the mines that go with it, referred to in Article 156, paragraph 2, the Allied and Associated Powers hold that these should be considered as public property. They would, however, be prepared, in the event of Germany adducing proof to the contrary, to apply to such private rights as German nationals may be able to establish in the matter, the general principles laid down in the conditions of peace in respect of compensation of this character.

## VI

The Allied and Associated Powers are anxious that no misunderstanding should exist with regard to the disposition of the property of German missions in territory belonging to them or of

which the government is entrusted to them in accordance with the treaty. They have, therefore, explicitly stated that the property of these missions will be handed over to boards of trustees appointed by or approved by the governments and composed of persons holding the faith of the mission whose property is involved.

## PART V

### MILITARY, NAVAL AND AIR CLAUSES

#### SECTION I

#### MILITARY CLAUSES

##### I

The Allied and Associated Powers wish to make it clear that their requirements in regard to German armaments were not made solely with the object of rendering it impossible for Germany to resume her policy of military aggression. They are also the first steps towards that general reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote.

##### II

They must point out, however, that the colossal growth in armaments of the last few decades was forced upon the nations of Europe by Germany. As Germany increased her power, her neighbors had to follow suit unless they were to become impotent to resist German dictation or the German sword. It is therefore right, as it is necessary, that the process of limitation of armaments should begin with the nation which has been responsible for their expansion. It is not until the aggressor has led the way that the attacked can safely afford to follow suit.

##### III

The Allied and Associated Powers cannot agree to any alteration in principle of the conditions laid down in Articles 159-180, 203-208 and 211-213 of the treaty.

Germany must consent unconditionally to disarm in advance of the Allied and Associated Powers; she must agree to immediate

abolition of universal military service; a definite organization and scale of armament must be enforced. It is essential that she should be subjected to special control as regards the reduction of her armies and armaments, the dismantling of her fortifications, and the reduction, conversion or destruction of her military establishments.

## IV

Whilst the Allied and Associated Powers regard the strict maintenance of these principles as a sacred duty and refuse in any way to depart from them, they are nevertheless willing in the interests of general peace and the welfare of the German people to admit the following modifications of the Military Clauses, Articles 159-180 of the treaty:

(a) Germany will be allowed to reduce her army more gradually than at present stipulated, *i. e.*, to a maximum of 200,000 men within three months; at the end of that three months and every subsequent three months a conference of military experts of the Allied and Associated Powers shall fix the strength of the German army for the coming three months, the object being to reduce the German army to the 100,000 men stipulated in the treaty as soon as possible, and in any case by the expiration of the Law of the Reichswehr, *i. e.*, by the 31st of March, 1920.

(b) The number of formations, officers or persons in the position of officers, and civilian personnel shall be in the same ratio to the total effectives laid down in (a) above as that laid down in the treaty.

Similarly, the number of guns, machine guns, trench mortars, rifles and the amount of ammunition and equipment shall bear the same ratio to the total amount allowed in (a) above as that laid down in the treaty.

(c) No deviation from the organization in armament laid down in the present treaty can be permitted until Germany is admitted to the League of Nations, which may then agree to such modifications as seem desirable.

(d) All the remaining German war material shall be handed over in the period fixed by the treaty.

The periods laid down in the treaty for the demolition of fortifications will be modified as follows:

"All fortified works, fortresses and land forts situated in German territory west of a line traced fifty kilometers east of the Rhine shall be disarmed and dismantled.



"Those fortresses which are situated in territory not occupied by the Allied armies shall be disarmed in a period of two months, and dismantled in a period of six months.

"Those which are situated in territory occupied by the Allied armies shall be disarmed and dismantled within the time limits which shall be fixed by the Allied High Command; the necessary labor being furnished by the German Government."

V

With the amendments and modifications enumerated in paragraph IV above, the Military Clauses (Articles 159-180) and those affecting the carrying out of the terms therein laid down (Articles 203-208 and 211-213) are to be maintained.

SECTION II

NAVAL CLAUSES

The conditions and proposals of the German Delegates relative to the Naval Clauses cannot be entertained. All these articles have been carefully framed and must be accepted unconditionally. They are based on the desire for a general limitation of the armaments of all nations and at the same time leave to Germany the requisite naval force for self-protection and police duties.

No negotiations are necessary with regard to this portion of the treaty, prior to its signature. All details can be settled by the Naval Commission to be appointed subsequently in accordance with Section IV of Part V.

There are no financial measures contemplated by the Allied and Associated Powers in connection with the surrender of any of the war ships mentioned in the draft treaty; they are required to be handed over unconditionally.

PART VI

PRISONERS OF WAR

The Allied and Associated Powers have nothing to add to their note of May 20, 1919, on this subject.

## PART VII

## I

## THE RESPONSIBILITY OF GERMANY FOR THE WAR

The German Delegation have submitted a lengthy memorandum in regard to the responsibility of Germany for the initiation of the war. The burden of the argument in this document is that at the very last moment of the crisis the German Government endeavored to induce moderation on the part of an ally to whom she had previously given complete liberty of action, and that it was the mobilization of the Russian army which finally made inevitable the outbreak of the general war.

The Allied and Associated Powers, however, wish to make it clear that their view as to the responsibility for the war is not based merely upon an analysis of the events which took place in the last critical hours of the crisis which preceded the actual outbreak of hostilities. They note that the German memorandum is largely occupied with the discussion of one aspect of the European situation in the years preceding the outbreak of the war. The observations contained in it and the documents quoted will no doubt afford valuable material for the historian of the future, but they cannot see that any new facts are brought to light or that any new interpretation is given of facts already known which would in the least modify the conclusions already arrived at. They are the more inclined to take this view as they observe that there are considerable discrepancies between the three versions of this document which they have received. There is nothing in it which shakes their conviction that the immediate cause of the war was the decision, deliberately taken by those responsible for German policy in Berlin and their confederates in Vienna and Budapest, to impose a solution of a European question upon the nations of Europe by threat of war and, if the other members of the concert refused this dictation, by war itself, instantly declared.

The German memorandum indeed admits without reserve the accuracy of this view. The Serbian question was not, and never could have been, purely an Austro-Hungarian question. It affected Germany. It affected all the Great Powers. It was essentially a European question, for it involved the control of the Balkans, and therefore concerned the peace, not only of the Balkans, but of the whole of Europe. It was impossible to isolate it

and the authors of the ultimatum of July 23 knew that it could not be isolated.

If, therefore, the German and Austro-Hungarian Governments had desired a pacific settlement, they would have consulted with the other Powers whose interests were vitally affected, and only taken action after making the utmost endeavor to arrive at an agreed solution. Yet the memorandum of the German Delegation explicitly admits that the German Government authorized its ally to endeavor to solve the Austro-Serbian question on its own initiative and by war. "On the strength," it says, "of statements received from the Cabinet in Vienna, the German Government considered an Austrian military expedition against Serbia essential for the preservation of peace. The German Government considered itself obliged to take the risk of Russian intervention with the resultant *casus foederis*. She gave her ally Austria a completely free hand as to the nature of the demands to be made by her on Serbia. When the ultimatum was followed by an answer which appeared to Germany herself sufficient to justify the abandonment of the expedition after all, she indicated this view to Vienna."

The later action of the German Government was perfectly consistent with this initial policy. It supported the rejection, without consideration, of the extraordinary concessions made by Serbia in response to the insolent and intolerable demands of the Austro-Hungarian Government. It supported the mobilization of the Austro-Hungarian army and the initiation of hostilities, and steadily rejected every proposal for conference, conciliation or mediation, though it knew that once mobilization and military action were undertaken by any of the Great Powers it inevitably compelled a response from all the rest and so hourly reduced the chances of pacific settlement. Only at the eleventh hour, when all chance of avoiding war had practically vanished, did the German Government counsel moderation on her ally. Even on this single point in Germany's favor, the memorandum of the German Delegates is forced to admit a doubt. "The reason," it says, "for the delay in the reply of the Cabinet at Vienna to this proposal is not known to us," and then they go on to say in words which are underlined, "This is one of the most vital points which still require elucidation." May it not be that, as was not uncommon with the German Foreign Office, unofficial communications or a previous understanding between those who had the real power, differed

somewhat from the messages which travelled over the official wires.

The German Government would now throw the blame for the failure of the attempts to procure peace on the mobilization of the Russian army. They ignore that this was the immediate and necessary consequence of the mobilization of the Austrian army, and the declaration of war on Serbia, both authorized by Germany. These were the fatal acts by which the decision was taken out of the hands of the statesmen and control transferred to the military. It is on the German statesmen that equally rests the responsibility for the hasty declaration of war on Russia, when Austria herself was apparently hesitating, and for the declaration of war on France. So great was the haste of the German Government that when no plausible reason could be found, allegations were invented, the complete falsity of which has long ago been demonstrated. The German Delegation now admit that the German Government "did not take the trouble to verify" the reported facts which they published as justifying their declaration of war.

After reading what the German Delegation have to say in self-defense, the Allied and Associated Powers are satisfied that the series of events which caused the outbreak of the war was deliberately plotted and executed by those who wielded the supreme power in Vienna, Budapest and Berlin.

The history of the critical days of July, 1914, however, is not the sole ground upon which the Allied and Associated Powers consider that the responsibility of Germany for the war must be tried. The outbreak of the war was no sudden decision taken in a difficult crisis. It was the logical outcome of the policy which had been pursued for decades by Germany under the inspiration of the Prussian system.

The whole history of Prussia has been one of domination, aggression and war. Hypnotized by the success with which Bismarck, following the tradition of Frederick the Great, robbed the neighbors of Prussia and forged the unity of Germany through blood and iron, the German people after 1871 submitted practically without reserve to the inspiration and the leadership of their Prussian rulers.

The Prussian spirit was not content that Germany should occupy a great and influential place in a council of equal nations to which she was entitled, and which she had secured. It could be satisfied with nothing less than supreme and autocratic power.



At a time, therefore, when the western nations were seriously endeavoring to limit armaments, to substitute friendship for rivalry in international affairs and to lay the foundation of a new era in which all nations should cooperate in amity in the conduct of the world's affairs, the rulers of Germany were restlessly sowing suspicion and hostility among all her neighbors, were conspiring with every element of unrest in every land, and were steadily increasing Germany's armaments and consolidating her military and naval power. They mobilized all the resources at their command, the universities, the press, the pulpit, the whole machinery of governmental authority, to indoctrinate their gospel of hatred and force, so that when the time came the German people might respond to their call. As a result, in the later years of the nineteenth century, and during the twentieth century, the whole policy of Germany was bent towards securing for herself a position from which she could dominate and dictate.

It is said that Germany developed her armaments in order to save herself from Russian aggression. Yet it is significant that no sooner was Russia defeated by Japan in the Far East and almost paralyzed by the subsequent internal revolution, than the German Government immediately redoubled its attempts to increase its armaments and to domineer over its neighbors under the threat of war. To them the collapse of Russia was not an occasion to try to reduce armaments and bring peace to the world in concert with the Western Powers. It was the opportunity to extend their own power. Further, the whole point of German organization was aggressive. Their scheme of railways, both east and west, their order of mobilization, their long concocted plan to turn the flank of France by invading Belgium, the elaborate preparation and equipment, both within and beyond her borders, as revealed on the outbreak of the war—all had aggression and not defence in view. The military doctrine that Germany could only be defended by springing first upon her neighbors was the excuse for demanding a military organization and a strategic plan which, when the time came, would enable them to smash all resistance to the ground and leave Germany the undisputed master both in the East and the West.

It is not the purpose of this memorandum to traverse the diplomatic history of the years preceding the war, or to show how it was that the peace-loving nations of Western Europe were gradually driven, under a series of crises provoked from Berlin, to come

together in self-defence. Autocratic Germany, under the inspiration of her rulers, was bent on domination. The nations of Europe were determined to preserve their liberty. It was the fear of the rulers of Germany lest their plans for universal domination should be brought to naught by the rising tide of democracy, that drove them to endeavor to overcome all resistance at one stroke by plunging Europe in universal war. The view of the Allied and Associated Powers could not indeed be better expressed than in the words of the German memorandum itself: "The real mistakes of German policy lay much further back. The German chancellor who was in office in 1914 had taken over a political inheritance which either condemned as hopeless from the start his unreservedly honest attempt to relieve the tension of the internal situation, or else demanded therefor a degree of statesmanship, and above all a strength of decision, which on the one hand he did not sufficiently possess, and on the other he could not make effective in the then existing conditions of German policy."

In the view, therefore, of the Allied and Associated Powers Germany's responsibility is far wider and far more terrible than that to which the memorandum of the German Delegation would seek to confine it. Germany, under the inspiration of Prussia, has been the champion of force and violence, deception, intrigue and cruelty in the conduct of international affairs. Germany for decades has steadily pursued a policy of inspiring jealousies and hatred and of dividing nation from nation in order that she might gratify her own selfish passion for power. Germany has stood athwart the whole current of democratic progress and international friendships throughout the world. Germany has been the principal mainstay of autocracy in Europe. And in the end, seeing that she could attain her objects in no other way, she planned and started the war which caused the massacre and mutilation of millions and the ravaging of Europe from end to end.

The truth of the charges thus brought against them the German people have admitted by their own revolution. They have overthrown their government because they have discovered that it is the enemy of freedom, justice and equality at home. That same government was no less the enemy of freedom, justice and equality abroad. It is useless to attempt to prove that it was less violent and arrogant and tyrannical in its foreign than it was in its internal policy, or that the responsibility for the terrible events of the last five years does not lie at its doors.

## II

## PENALTIES

The Allied and Associated Powers have given consideration to the observations of the German Delegation in regard to the trial of those chargeable with grave offences against international morality, the sanctity of treaties and the most essential rules of justice. They must repeat what they have said in the letter covering this memorandum, that they regard this war as a crime deliberately plotted against the life and liberties of the peoples of Europe. It is a war which has brought death and mutilation to millions and has left all Europe in terrible suffering. Starvation, unemployment, disease stalk across that continent from end to end, and for decades its people will groan under the burdens and disorganization the war has caused. They therefore regard the punishment of those responsible for bringing these calamities on the human race as essential on the score of justice.

They think it not less necessary as a deterrent to others who, at some later date, may be tempted to follow their example. The present treaty is intended to mark a departure from the traditions and practices of earlier settlements, which have been singularly inadequate in preventing the renewal of war. The Allied and Associated Powers indeed consider that the trial and punishment of those proved most responsible for the crimes and inhuman acts committed in connection with a war of aggression is inseparable from the establishment of that reign of law among nations which it was the agreed object of the peace to set up.

As regards the German contention that a trial of the accused by tribunals appointed by the Allied and Associated Powers would be a one-sided and inequitable proceeding, the Allied and Associated Powers consider that it is impossible to entrust in any way the trial of those directly responsible for offences against humanity and international right to their accomplices in their crimes. Almost the whole world has banded itself together in order to bring to naught the German plan of conquest and dominion. The tribunals they will establish will therefore represent the deliberate judgment of the greater part of the civilized world. They cannot entertain the proposal to admit to the tribunal the representatives of countries which have taken no part in the war. The Allied and Associated Powers are prepared to stand by the verdict of history as to the impartiality and justice with which the accused will be tried.

Finally, they wish to make it clear that the public arraignment under Article 227 framed against the German ex-Emperor has not a juridical character as regards its substance but only in its form. The ex-Emperor is arraigned as a matter of high international policy, as the minimum of what is demanded for a supreme offence against international morality, the sanctity of treaties and the essential rules of justice. The Allied and Associated Powers have desired that judicial forms, a judicial procedure and a regularly constituted tribunal should be set up in order to assure to the accused all rights and liberties in regard to his defence, and in order that the judgment should be of the most solemn judicial character.

The Allied and Associated Powers add that they are prepared to submit a final list of those who must be handed over to justice within one month of the coming into force of the treaty.

## PART VIII

### REPARATION

The Allied and Associated Powers, consistently with their policy already expressed, decline to enter into a discussion of the principles underlying the reparation clauses of the conditions of peace, which have been prepared with scrupulous regard for the correspondence leading up to the armistice of November 11, 1918, the final memorandum of which, dated the 5th of November, 1918, contains the following words:

"Further, in the conditions of peace laid down in his address to Congress of the 8th of January, 1919, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

To the extent that the German reply deals with practical phases of the execution of the principles enunciated in the conditions of peace, it appears to proceed on the basis of a complete misapprehension, which is the more difficult to understand as the



inferences drawn and the statements made are wholly at variance with both the letter and the spirit of the treaty clauses. For purposes of clarification, however, and in order that there may be no possible ground for misunderstanding, the Allied and Associated Powers submit the following observations:

The vast extent and manifold character of the damage caused to the Allied and Associated Powers in consequence of the war has created a reparation problem of extraordinary magnitude and complexity, only to be solved by a continuing body, limited in personnel and invested with broad powers to deal with the problem in relation to the general economic situation.

The Allied and Associated Powers, recognizing this situation, themselves delegate power and authority to a Reparation Commission. This Reparation Commission is, however, instructed by the treaty itself so to exercise and interpret its powers as to ensure, in the interest of all, an early and complete discharge by Germany of her reparation obligations. It is also instructed to take into account the true maintenance of the social, economic and financial structure of a Germany earnestly striving to exercise her full power to repair the loss and damage she has caused.

The provisions of Article 241, by which the German Government is to invest itself with such powers as may be needed to carry out its obligations, are not to be misconstrued as giving the Commission powers to dictate the domestic legislation of Germany. Nor does paragraph 12 (b) of Annex II give the Commission powers to prescribe or enforce taxes or to dictate the character of the German budget.

It is only to examine the latter for two specified purposes.

This is necessary in order that it may intelligently and constructively exercise the discretion accorded to it in Germany's interest, particularly by Article 234, with regard to extending the date and modifying the form of payments. The provisions of Article 240 with regard to the supply of information are similar in character and purpose, and there should be little occasion for the exercise of these powers when once the amount of the liability of Germany is fixed, if Germany is in a position to, and does, comply with the schedule of payments which then will have been notified to her and with the specific provisions of the several annexes relative to reparation in kind. It is further to be observed that the power of modification accorded by the said Article 236 is expressly designed to permit of a modification in

Germany's interest of a schedule of payments which events may demonstrate to be beyond Germany's reasonable capacity.

The Allied and Associated Powers vigorously reject the suggestion that the Commission, in exercising the power conferred by Article 240 and by paragraphs 2, 3, and 4 of Annex IV, might require the divulgence of trade secrets and similar confidential data.

In short, the observations of the German Delegation present a view of this Commission so distorted and so inexact that it is difficult to believe that the clauses of the treaty have been calmly or carefully examined. It is not an engine of oppression or a device for interfering with German sovereignty. It has no force at its command; it has no executive powers within the territory of Germany; it cannot, as is suggested, direct or control the educational or other systems of the country. Its business is to fix what is to be paid; to satisfy itself that Germany can pay; and to report to the powers, whose delegation it is, in case Germany makes default. If Germany raises the money required in her own way, the Commission cannot order that it shall be raised in some other way; if Germany offers payment in kind, the Commission may accept such payment, but, except as specified in the treaty itself, the Commission cannot require such a payment.

The German Observations appear to miss the point that the Commission is directed to study the German system of taxation for the protection of the German people no less than for the protection of their own. Such study is not inquisitorial, for the German system of taxation is not an object of curiosity to other powers, nor is a knowledge of it an end in itself; but if any plea of inability which the German Government may advance is to be properly considered, such a study is necessary.

The Commission must test whether a sincere application is being given to the principle, accepted in the Observations, "that the German taxation system should impose in general on the taxpayer at least as great a burden as that prevailing in the most heavily burdened of the states represented on the Reparation Commission." If the German resources are to be properly weighed, the first subject of inquiry will be the German fiscal burden.

It is understood that the action necessary to give effect to the provisions of Annex IV, relative to reparation in kind, will be taken by Germany on its own initiative, after receipt of notification from the Reparation Commission.

The provisions of the treaty are in no wise incompatible with the creation by Germany of a commission which will represent Germany in dealings with the Reparation Commission and which will constitute an instrumentality for such cooperation as may be necessary. The treaty specifically and repeatedly provides opportunities for the German Government to present facts and arguments with respect to claims and modes of payment, within the limits of the principles and express provisions of the treaty. This may be done through a commission and no reason is perceived why such a commission could not work in harmony with the Reparation Commission. Certainly this is greatly to be desired. The Allied and Associated Powers are therefore ready to agree to such a procedure as the following:

Immediately after the treaty is signed, Germany may present, and the Allied and Associated Powers will receive and examine, such evidence, estimates and arguments as she may think fit to present. Such documents need not be final, but may be presented to the Commission subject to corrections and additions.

At any time within four months of the signature of the treaty, Germany shall be at liberty to submit, and the Allied and Associated Powers will receive and consider, such proposals as Germany may choose to make. In particular, proposals will be received on the following subjects and for the following purposes. Germany may offer a lump sum in settlement of her whole liability as defined in Article 232, or in settlement of her liability under any of the particular categories which have been decided upon and laid down. Germany may offer, either to carry out by her own means the restoration of and reconstruction, whether in part or in its entirety, of one of the devastated areas, or to repair under the same conditions certain classes of damage in particular regions or in all the regions which have suffered from the war. Germany may offer labor, materials or technical service for use in such work, even though she does not execute the work herself. She may suggest any practicable plan, category by category, or for the reparations as a whole, which will tend to shorten the period of inquiry and to bring about a prompt and effectual conclusion.

Without making further specifications, it may be said in a word that Germany is at liberty to make any suggestion or offer of a practical and reasonable character for the purposes of sim-

plifying the assessment of the damage, eliminating any question or questions from the scope of the detailed inquiry, promoting the performance of the work, and accelerating the definition of the ultimate amount to be paid.

The necessary facilities for making reliable estimates of the offers to be presented by her will be afforded to Germany at reasonable times. Three conditions only are imposed upon the tender of these proposals. Firstly, the German authorities will be expected, before making such proposals, to confer with the representatives of the powers directly concerned. Secondly, such offers must be unambiguous, and must be precise and clear. Thirdly, they must accept the categories and the reparation clauses as matters settled beyond discussion. The Allied and Associated Powers will not entertain arguments or appeals directed to any alteration.

Within two months thereafter, the Allied and Associated Powers will, so far as may be possible, return their answers to any proposals that may be made. It is impossible to declare in advance that they will be accepted, and, if accepted, they may be subjected to conditions which can be discussed and arranged. The Allied and Associated Powers, however, declare that such proposals will be seriously and fairly considered; no one could better be pleased than they if, in the result, a fair, a speedy and a practical settlement were arrived at. The questions are bare questions of fact, namely, the amount of the liabilities, and they are susceptible of being treated in this way. Beyond this, the Allied and Associated Powers cannot be asked to go.

Even if no settlement were arrived at, it must be evident that the early production of the German evidence would greatly abbreviate the inquiry and accelerate the decisions. The German authorities have had long occupation of a large part of the damaged areas and have been over the ground, forwards and backwards, within the last twelve or fifteen months. The Allied and Associated Powers have as yet had no access to this mass of material.

It is obvious that, if the class of damages done in the devastated areas can be dealt with in this fashion, the liability under the other categories can be quickly established, for it depends on statistics and particulars of a far simpler character. By giving a satisfactory covenant themselves to execute the work of rebuilding, the Germans could at once dispose of the only difficult or long subject of inquiry.



The Allied and Associated Powers have to remark that in the observations submitted the German Delegation have made no definite offer at all, but only vague expressions of willingness to do something undefined. A sum of 100,000,000,000 marks (gold) is indeed mentioned, and this is calculated to give the impression of an extensive offer, which upon examination it proves not to be. No interest is to be paid at all. It is evident that till 1927 there is no substantial payment but only the surrender of military material and the devolution upon other powers of large proportions of Germany's own debt. Thereafter a series of undefined instalments is to be agreed, which are not to be completed for nearly half a century. The present value of this distant prospect is small, but it is all that Germany tenders to the victims of her aggression in satisfaction for their past sufferings and their permanent burdens.

The Allied and Associated Powers will, however, make a declaration on another point as follows: The resumption of German industry involves access by the German people to food supplies and by the German manufacturers to the necessary raw materials and provision for their transport to Germany from overseas. The resumption of German industry is an interest of the Allied and Associated Powers as well as an interest of Germany. They are fully alive to this fact and therefore declare that they will not withhold from Germany commercial facilities without which this resumption cannot take place, but that, subject to conditions and within limits, which cannot be laid down in advance, and subject also to the necessity for having due regard to the special economic situation created for Allied and Associated countries by German aggression and the war, they are prepared to afford to Germany facilities in these directions for the common good.

Meanwhile, the draft treaty must be accepted as definitive and must be signed. The Allied and Associated Powers cannot any longer delay to assure their security. Germany cannot afford to deny to her populations the peace which is offered to them. The Reparation Commission must be constituted and must commence its task. The only question open will be how best to execute the provisions of the treaty.

The foregoing should suffice to demonstrate the reasonableness of the conditions under which Germany is to discharge her reparation obligations, and how utterly unfounded are the criticisms in

the German reply. These are, indeed, explicable only on the theory that the German plenipotentiaries have read into the conditions of peace, in clear defiance of their express terms, an intention which is not there, but which it would be not unnatural to see displayed by victorious nations which have been the victims of cruelty and devastation on a vast and premeditated scale. The burdens of Germany undeniably are heavy, but they are imposed under conditions of justice by peoples whose social well-being and economic prosperity have been gravely impaired by wrongs which it is beyond the utmost power of Germany to repair.

## PART IX

### FINANCIAL CLAUSES

Before examining each of the articles on which the German Delegation have presented observations, the Allied and Associated Powers wish to recall the reply made by M. Clemenceau in their name on May 22, to a note from Count Brockdorff-Rantzau dated May 13, and especially Paragraph XIII of this letter:

"All the nations of Europe have suffered losses, they are bearing and will still bear for a long time burdens almost too heavy for them. These burdens and these losses have been imposed on them by the aggression of Germany. It is just that Germany, the primary cause of these calamities, should repair them to the full extent of her power. Her sufferings will be the result, not of the peace conditions, but of the acts of those who provoked and prolonged the war. The authors of the war cannot escape its just consequences."

Germany must accept burdens, and very heavy burdens, being laid on her; financial obligations and guarantees taken by the Allied and Associated Powers to obtain the payment of their claims.

Germany will be able to meet her financial obligations either by means of property and resources that she possesses within the Empire, or by means of property that she possesses abroad.

Within the Empire the Allied and Associated Powers have claimed a charge only on the property and resources of the Empire and the German states. Their right in this regard, resulting from the financial clauses, has been limited as far as possible,

and an effort has been made to avoid giving it any vexatious character. Finally, all exceptions compatible with the rights of the Allied and Associated Powers have been granted, and these will permit the economic interests and credit of Germany to be protected as far as possible.

Outside the Empire, the Allied and Associated Powers have abstained from claiming the transfer of German property and resources in neutral countries; they ask only the cession of property which is not indispensable to Germany's existence and which can be given up without causing any profound disturbance in her internal life.

In a word, in view of the burdens that Germany must assume, the financial provisions adopted by the Allied and Associated Powers spare the essential interests of Germany as far as possible.

1. The Allied and Associated Powers again assert their right to obtain the payment of reparations and other charges resulting from the treaty, in priority to the settlement of all other debts of the Empire or of the German States.

Nevertheless, they consider it proper to provide, in certain special cases, for the granting of exceptions to the general principle thus laid down, and they are ready to insert at the beginning of Article 248 the following sentence:

"Subject to such exceptions as the Reparation Commission may approve a first charge."

This new stipulation will permit measures to be taken with a view to protecting Germany's credit as far as possible.

2. The provision prohibiting the export of gold is a guarantee for the Allied and Associated Powers; the latter have not, however, intended to use their right without reserve, and they have provided that Germany may export gold after receiving authorization from the Reparation Commission.

The latter will therefore have power to grant to the Reichsbank, whenever it sees fit, "the right of export, when it is a question of guarantees that this bank has furnished and that it could not furnish by any other means."

3. The military occupation constitutes for the Allied and Associated Powers one of the essential guarantees which they require; there can therefore be no argument about it.

The cost of maintenance of armies of occupation has always been borne by the nation subject to the occupation; Germany applied this principle in 1871 when she imposed on France the

cost of the German armies of occupation (Convention of Ferrières, March 11, 1871).

4. No distinction can be made between the war material lost by the enemy in the course of military operations and the war material surrendered in execution of an armistice which terminates these operations. It is just therefore that the Reparation Commission shall not credit Germany with the value of material thus surrendered.

5. The provision inserted in paragraph 2 of Article 251 grants, in favor of the food supply of Germany, an exception to the order of priority established by paragraph 1 of the same article.

Moreover, it applies solely to the food supply effected through state organizations, since no charge has been established upon the property of German nationals.

This clause is established in favor of Germany, and if the Allied and Associated Powers have reserved a right of control over the German food supply effected through state organizations, it is because it appears impossible to consent to so important an exception to the principle laid down in Article 248, without reserving control.

6. The partition of the pre-war debt of the German Empire and of the German States will be made in proportion to the contributory power of the various ceded territories. The determination of this contributory power is obviously very delicate, in view of the diversity of fiscal systems in the different German confederated states. Therefore it has not been thought desirable to settle this question at present, and it has been left to the Reparation Commission to estimate which of Germany's revenues will make it possible to compare the resources of the ceded territories and those of the Empire.

Moreover, the Allied and Associated powers cannot consider the assigning of a part of Germany's war debt to the liberated territories; such a division would in fact make the powers receiving these territories support a part of Germany's war debt, which is inadmissible.

7. It cannot be contemplated that Poland should bear either directly or indirectly the burden of a debt contracted to extend Prussian influence at the expense of Polish rights and traditions.

8. The German colonies, having deficits, cannot possibly assume a part of the German debt. It is to be noted, moreover,



that a large part of the expenses incurred in the German colonies was military and unproductive in character.

It would be unjust under these conditions to demand that the state made a mandatory by the League of Nations should assume a debt that the colony cannot support.

9. The Allied and Associated Powers have a right after the events that have happened since 1914, to demand that Germany be no longer intimately involved in their financial and economic life, nor in that of her former allies, nor in that of Russia.

Moreover, it seems almost certain that Germany, in order to meet the burden of reparations, will find herself obliged to alienate the greater part of the foreign securities held by her nationals. The protection of German holders, whose interests will by this fact be very much reduced, would no longer justify German participation in international organizations.

10. The German Delegation have presented in Annex II of these remarks, as well as in a special note of May 29, 1919, a certain number of observations.

The first relate to the transfer of sums deposited in Germany in the name of the Ottoman Debt, of the Imperial Ottoman Government, or of the Austro-Hungarian Government.

The details furnished by the German Delegation on certain transfers effected in Germany necessitate two modifications of drafting, but the Allied and Associated Powers maintain the principles of the article in question.

In the first place, the Allied and Associated Powers have not lost sight of the fact that the obligation assumed by the German Government towards Turkey has for its counterpart the engagement of the Turkish Government to reimburse Germany later for the sums advanced by her. Article 259 must be compared with Article 261. The latter provides that the German credit shall be transferred to the Allied and Associated Powers.

In the second place, the Allied and Associated Powers have in their possession evidence showing under what conditions transfers of gold and silver were made in November, 1918, to the Turkish Ministry of Finance.

In the third place, they are of the opinion that if "no sum in gold or any pledge has been transferred to the German Government nor to the banks concerned, for the advances that Austria-Hungary has received through the medium of German banks," the provision in paragraph 5 will be without effect, and conse-

quently it cannot justify any protest on the part of the German Delegation.

The other observations relate to the renunciation by Germany of the Treaties of Bucharest and Brest-Litovsk.

The German Delegation claim the annulment of the engagements incumbent on Germany by reason of these treaties, as well as of the advantages stipulated in her favor.

These observations are not well founded.

In fact, Article 292, which the German Financial Delegation seem to have overlooked, abrogates purely and simply these treaties, of which, moreover, the German Delegation declare (General Remarks Part VII) that "there can be no further argument," since "Germany has already renounced the Treaty of Brest-Litovsk and the Peace of Bucharest was never ratified."

The Allied and Associated Powers have, moreover, searched in vain in the Peace of Bucharest for "engagements made by Germany."

11. The Allied and Associated Powers are of the opinion that the cession of the rights and interests of German nationals in every enterprise of public utility and in every concession in Russia and in the countries formerly allies of Germany is essential for the purpose of protection and reparation.

The Allied and Associated Powers have been able, moreover, to appreciate, in the course of the war, what use Germany was capable of making of the control she possessed over her allies and over Russia, and they consider that they have the right to withdraw from Germany all devolution of public authority in these countries.

12. The Allied and Associated Powers reserve the right to demand from Germany the transfer of all her credits on Austria, Hungary, Bulgaria and Turkey.

But Article 243 provides that the amount of these credits shall be entered to Germany's account under the category of reparations at such value as the Reparation Commission shall deem suitable.

13. The obligation to pay in specie cannot be interpreted as an obligation to pay in actual gold.

On the other hand, the Allied and Associated Powers cannot admit that Germany should pay "in the currency of the country in which the injury has been committed."

The countries which have suffered heavy damage must, to rebuild their ruins, have recourse to the aid of the Allied and Asso-

ciated countries, and will have to incur heavy expenditures abroad; it would be inadmissible not to leave them the choice of claiming payment in the currency of which they may stand in need.

Moreover, the bonds to be issued by Germany on account of the sums due for reparation must have a very wide market, and their interest must be payable in several currencies.

Finally, whenever it is a question of defining an obligation to pay, it must be done in a fixed currency.

14. In a note of May 29, 1919, the German Delegation have made certain observations relative to Article 263.

The product of the sale of Sao Paolo coffee at Trieste having been deposited in the Bleichröder Bank, the Allied and Associated Powers cannot accept the suggestion of the German Delegation that these sums should not be included in Article 263.

At the same time the Allied and Associated Powers recognize that the words "with interest at 5 per cent. from the day of deposit" should be changed as follows: "with interest at the rate or rates agreed upon."

The Allied and Associated Powers are willing, moreover, to omit the word "compulsory" from Article 263.

The German Government, having refused to authorize the withdrawal of these sums, and having agreed to return them "intact" at the end of the war, the Allied and Associated Powers must insist that the reimbursement be effected at the rates of exchange existing at the time that the deposits were made.

## PART X ECONOMIC CLAUSES

### I

## COMMERCIAL POLICY

The principles which the Allied and Associated Powers desire to bring into application when the world returns to normal conditions are those which President Wilson has enunciated on various occasions in his speeches, and which are embodied in Article 23 (e) of the Covenant of the League of Nations.

But it is clear that the pronouncements of President Wilson relative to equality of trade conditions must be interpreted as re-

lating to the permanent settlement of the world, and can only be regarded as applicable to a condition of things in which the League of Nations is fully constituted, and the world has returned to normal conditions of trade. In the meantime the establishment of a purely transitory régime necessarily differing from that contemplated in a final settlement is in no way in conflict with such ideas.

During this period "the equitable treatment for the commerce of all members of the League" requires that Germany should temporarily be deprived of the right she claims to be treated on a footing of complete equality with other nations.

The illegal acts of the enemy have placed many of the Allied States in a position of economic inferiority to Germany, whose territory has not been ravaged, and whose plant is in a condition enabling manufactures and trade to be at once resumed after the war. For such countries, a certain freedom of action during the period of transition is vitally necessary, but it is also necessary that the Allied and Associated Powers should in the meantime be safeguarded from the effects of special preferences or discriminations granted by Germany to an Allied or Associated country or to any other country. Hence during the transitory period formal reciprocity is not practicable; and it is only equitable that the Allied and Associated Powers should have for such period greater freedom to regulate their commercial exchanges than is accorded to the authors of the aggression. If it were otherwise, Germany would reap the benefit of the criminal acts which she committed in the territories she occupied with the object of placing her adversaries in a condition of economic inferiority.

It is, therefore, a consideration for justice which has led the Allied and Associated Powers to impose on Germany, for a minimum period of five years, non-reciprocal conditions in the matter of commercial exchanges. Articles 264 to 267, 323 and 327, drawn up on this basis, are measures of reparation, the duration of which will be determined by the League of Nations.

After the necessary period of transition is over, and when a reformed Germany is admitted to membership of the League of Nations, the Allied and Associated Powers will be able to co-operate with her in arriving at a more permanent arrangement for the establishment of an equitable treatment for the commerce of all nations.



No exception is taken by the German Delegation to the general principle that during a transition period special arrangements are necessary for the products of territories detached from Germany. In the absence of detailed criticism, it must be assumed that no serious objection is entertained to the provisions on this subject which are contained in the treaty of peace.

The necessity of meeting the special conditions of the period of transition has similarly inspired the provision ensuring the application, during a period of three years, to imports of certain products from Allied and Associated countries of the most favorable rates of the German tariff which were in force in 1914. In this matter certain products, the output of which, in countries bordering on Germany, was specially adjusted with reference to German needs, are temporarily assured to their former market.

In order to enable Germany to establish such customs tariffs as she may consider necessary, the Allied and Associated Powers have limited to six months the period for which she is obliged to maintain generally the most favorable rates of customs duty which were in force for imports into Germany on the 31st of July, 1914. Such a period is absolutely necessary in order to avoid the economic disturbance which an immediate change of tariff conditions would cause.

## II

### TREATIES

The general principles which underlie Section II of Part X of the conditions of peace explain the terms thereof.

The Allied and Associated Powers are certainly of the opinion that multilateral and bilateral treaties between peoples must exist in times of peace, so that the principles of international law may be enforced and normal international relations maintained. They have therefore aimed at reapplying all multilateral treaties which seemed to them to be compatible with the new conditions arising out of the war.

As regards bilateral treaties, they have reserved for each of the Allied and Associated Powers the right to decide the matter in conformity with the principles of the treaty of peace.

But they could not permit the continuance of all the treaties which Germany imposed on her allies, on her temporarily defeated adversaries, and even in certain cases on neutral countries,

with a view to securing particularly favorable conditions and special advantages of all kinds, the maintenance of which is incompatible with the reestablishment of the spirit of justice.

This principle necessarily involves the rejection of the theory put forward by Germany in Section VII (Treaties) of the remarks on the conditions of peace, and obviates the necessity for any negotiations on the matter. A general indiscriminate reapplication after the conclusion of peace of all multilateral and bilateral treaties, even for a short time, cannot be accepted, and it is only just that the Allied and Associated Powers should have reserved and should reserve in the future the right to indicate which of these treaties with Germany they intend to revive or to allow to be revived.

The above applies to the whole of the German remarks on Section II of Part X of the conditions of peace, but these remarks call for the following further observations:

I. The German Delegation seem to consider:

(a) That, as a result of errors or omissions, the list of multilateral treaties embodied in Article 282 is incomplete.

(b) That the contents and meaning of Nos. 7, 17, 19, 20 and 21 of this article are doubtful.

(c) Further, that difficulties may arise, as the result of the individual reserves of states, which may limit the application of certain revived multilateral treaties.

In reply to this, the Allied and Associated Powers would point out that:

(a) The German Government may, after the resumption of diplomatic relations with the Allied and Associated Powers, notify to them any subjects covered by non-revived conventions with regard to which they desire new treaties to be concluded or former agreements to be adopted.

(b) The contents and meaning of the treaties numbered 7, 17, 19, 20 and 21 in Article 282 are not open to any doubt. As regards No. 19 the list of Sanitary Conventions may be completed as follows:

"Sanitary Conventions of the 3rd of December, 1903, and the preceding ones signed on the 30th of January, 1892, the 15th of April, 1893, the 3rd of April, 1894, and the 19th of March, 1897."

(c) Subject to any provisions to the contrary inserted in the conditions of peace, reserves which may have been made by the

powers signatory to the treaty of peace when they signed or adhered to the multilateral treaties revived by Section II of Part X of the conditions of peace, retain their value, such treaties re-assuming their operation in the same conditions as before the war. If the conditions of their application are modified, a revision will automatically follow.

2. The German Delegation state that the acceptance by Germany of Articles 283 and 284 is incompatible with the dignity of an independent people.

This opinion is based on a misunderstanding of the meaning and terms of Articles 283 and 284. Germany merely undertakes by Article 283 not to refuse her consent *to the conclusion* by the new states of the special arrangements referred to in the Postal and Telegraphic Unions. It is not stipulated that the text of these arrangements shall be dictated to her and that she must accept such text without discussion. This article merely prevents a systematic refusal to the conclusion of such arrangements or insistence on requirements which make their conclusion impossible.

Article 284 leaves to Germany the option of participating in the drawing-up of the proposed new Radio-telegraphic Convention. There is nothing to prevent her exercising this option if she so desires.

It is impossible to regard it as an extreme hardship that in matters of this description affecting the peaceful intercourse of European nations Germany should be required to abstain from adopting an attitude which would obstruct international communications. The Allied and Associated Powers are, however, prepared to limit Germany's obligation to be bound by a new Radio-telegraphic Convention to the case where such a convention is concluded within five years.

3. The German objections to Article 289 appear to arise out of a misunderstanding of its intention. Whilst the Allied and Associated Powers could not agree to the revival of bilateral treaties or of any clauses in bilateral treaties which are not in accordance with the terms of the peace treaty itself, they are quite prepared to give an assurance that this provision will not be arbitrarily used for the purpose of splitting up bilateral treaties in such a way that only the obligations should remain on one side and on the other side only the rights. The Allied and Associated Powers will themselves, through the League of Nations,

exercise a surveillance to ensure that the provisions of Article 289 are loyally carried out. With this end in view, the article is modified to read as follows:

"Each of the Allied and Associated Powers, being guided by the general principles or special provisions of the present treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

"The notification referred to in the present article shall be made either directly or through the intermediary of another power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

"The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with terms of the present treaty.

"The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present treaty, shall not be considered as revived.

"In case of any difference of opinion, the League of Nations will be called on to decide."

"A period of six months. . . ."

Bilateral treaties between Germany and states which broke off diplomatic relations with her, but did not declare war, are expressly included in Article 289 on the same basis as treaties with those states which did declare war. There is no universally recognized rule of international law on the subject. It is, accordingly, open to the Allied and Associated Powers to deal with the matter in the most convenient manner in the peace treaty.

4. The treaties referred to in Articles 290 and 292 are essentially among those which Germany concluded by taking undue advantage of the circumstances she herself created, the pressure she exercised, or her temporary military preponderance. Whatever the consequences to Germany of their abrogation, it is impossible to maintain them in force after the conclusion of a treaty of peace based upon the principles of justice.

The Allied and Associated Powers cannot admit that the abrogation by Germany of all treaties concluded with her former allies since the 1st of August, 1914, and of all treaties concluded before or since that date with Russia and states or governments whose territories formerly made part of Russia and with Roumania, which is required by Articles 290 and 292, must of necessity grie-



vously jeopardize her relations with these states. This abrogation is rendered necessary by the vast political changes which have been brought about by the war and by the fact that all treaties with Russia, and states or governments whose territories formerly made part of Russia and with Roumania, concluded since the outbreak of war, must necessarily be regarded as having been imposed by Germany on unwilling states. The abrogation does not affect Germany's freedom to enter into fresh negotiations with these states for the conclusion of new arrangements suitable to the altered conditions. By this means any serious jeopardy to the resumption of friendly economic relations can easily be avoided.

5. Any special negotiation regarding Articles 291 and 294 is superfluous. The object of these articles is clear and plain; the Allied and Associated Powers establish equality as between themselves and Germany by obtaining *ipso facto* the benefit of the treatment accorded by her before the 1st of August, 1914, to her former allies and of the treatment which, for interested motives or for ends inimical to the interests of the Allied and Associated Powers, she may have granted during the war to powers which have remained neutral.

## GERMAN APPENDIX ON SPECIAL LEGAL QUESTIONS

### III

#### RESUMPTION OF CONSULAR RELATIONS

The German Delegation request reciprocity in respect of the right reserved to the Allied and Associated Powers, under Article 279 of the peace treaty, to place consuls in German ports and towns. The unilateral character of this stipulation of Article 279 results from the political activities of German consuls and from the acts committed by the Germans in the territories of certain Allied and Associated Powers.

It should be added, however, that there is nothing in the article to prevent either the renewal under Article 289 of pre-war consular conventions between individual Allied and Associated Powers and Germany, or the conclusion of new arrangements between Germany and such powers for the admission of German consular officers into their territory.

## IV

## TREATMENT OF PRIVATE PROPERTY

The question of the treatment of private rights is dealt with in the German Delegation's notes of the 22nd and 29th of May and in the Annex No. 1 to their remarks on the conditions of peace. In addition, the general objections set out in these documents are reproduced under different forms in various parts of the remarks.

*I. Questions of Principle*

The objections of principle to the conditions of peace put forward by the German Delegation on this subject may be summed up as follows:

(a) It is not legitimate to use the private property of German nationals to meet the obligations of Germany.

(b) The settlement of private rights is not made on the principle of reciprocity.

(c) German property should not be used as a guarantee for the liabilities of the states allied to Germany.

(d) The liquidations to be made by the Allied and Associated Powers, in depriving the owner of the free disposition of his property, are of a confiscatory character.

The answers of the Allied and Associated Powers to these objections are as follows:

(a) As regards the first objection, they would call attention to the clear acknowledgement by Germany of a pecuniary obligation to the Allied and Associated Powers, and to the further circumstance that the immediate resources of Germany are not adequate to meet that obligation. It is the clear duty of Germany to meet the admitted obligation as fully and as promptly as possible and to that end to make use of all available means. The foreign investments of German nationals constitute a class of assets which are readily available. To these investments the treaty simply requires Germany to make prompt resort.

It is true that, as a general principle, a country should endeavor to avoid making use of the property of a part of its nationals to meet state obligations; but conditions may arise when such a course becomes necessary. In the present war Allied Powers themselves have found it necessary to take over foreign investments of their nationals to meet foreign obligations and have

given their own domestic obligations to the nationals who have been thus called upon to take a share, by this use of their private property, in meeting the obligations of the state.

The time has arrived when Germany must do what she has forced her opponents to do. The necessity for the adoption of this course by Germany is clearly understood by the German Peace Delegates, and is accepted by them in the following passage, quoted textually from their note of the 22nd of May:

"The German Peace Delegation are conscious of the fact that under the pressure of the burden arising from the peace treaty on the whole future of German economic life, German property in foreign countries cannot be maintained to its previous extent. On the contrary, Germany, in order to meet her pecuniary obligations, will have to sacrifice this property abroad in wide measure. She is prepared to do so".

The fundamental objection mentioned above is completely answered by the note itself.

(b) The German Delegation maintain, in their note of the 22nd of May, that there is only the appearance of reciprocity in regard to the settlement of enemy property, and this objection is developed in the annex to the remarks. The objection, however, arises from a confusion between two entirely different matters. As regards exceptional war measures taken in the different countries in respect of enemy property there is a reciprocal provision, these exceptional war measures being confirmed on both sides. Quite a different matter is that of the mode in which enemy property shall be dealt with thereafter. German property, as is admitted in the German note, must serve towards meeting Germany's obligations to the Allies. The compensation to the German property-owner must be made by Germany itself. In this respect there can be no question of reciprocity.

(c) On the question whether German property should serve as a guarantee for the liabilities of the states allied with Germany, it is to be observed, on the one hand, that the actions of Germany and her allies during the war have given rise to complete solidarity between these powers from the economic standpoint. For instance, negotiations undertaken without scruple between Germany and her allies have resulted in the division between these countries of the proceeds of the Allied and Associated property liquidated contrary to all right in the territories occupied by the German troops. Further, the German authorities have in several

ways treated the Allied and Associated Powers as being jointly concerned. For instance, they have seized French credit balances in Belgian banks as a measure of reprisal against acts done in other Allied States. They have similarly justified the liquidation of French property in Germany on the ground that similar measures have been taken against German property in other Allied countries. Thus, the principle of joint liability to which Germany now objects has been initiated by herself, and she has created a situation which does not permit the Allied and Associated Powers in practice to separate the obligations of her allies from her own. Nevertheless the Allied and Associated Powers are prepared to omit from the charge on the property of German nationals the liability to satisfy the unpaid debts of nationals of powers allied with Germany.

(d) The method of using this property laid down by the treaty cannot be considered, either in principle or in the method of its application, as a measure of confiscation. Private German interests will only be injured by the measures contemplated so far as Germany may decide that they shall be, since all the proceeds of German property will be carried to the credit of Germany, who is required to compensate her own nationals, and will go to reduce her debt to the Allied and Associated Powers.

## V

### DEBTS

While reciprocity cannot be accorded in all respects, the Allied and Associated Powers have nevertheless applied this principle wherever it has been possible. Such is the case with regard to the clearing office system provided in the conditions of peace. Reciprocity is complete in so far as regards individuals. The system departs therefrom only in so far as regards the non-payment to Germany of balances which may become due by the Allied and Associated Powers, and this provision is merely the application of the principle of the retention of enemy property for payment of claims.

1. *Provision of Article 296 (e), under which each of the Allied and Associated Powers, but not Germany, is able to decide whether the scheme is to be applied between Germany and any Allied Power or not.*



It is not possible to give both the Allied or Associated Power and Germany an option whether to adopt the scheme or not, for the result might be that one power would decide to adopt it and the other not to adopt it.

2. *Provision of Article 296 (d) that debts shall be paid in the currency of the Allied or Associated Power concerned at the pre-war rate of exchange.*

Owing to the great depreciation in the value of the mark, some hardship will necessarily result in the settlement of pre-war debts whatever basis of settlement may be adopted. The method provided for is as fair to both sides as could be devised. While under this scheme an Allied creditor who is owed a sum in marks by a German debtor will receive an equivalent amount in Allied currency at the pre-war rate of exchange, a German creditor of an Allied debtor who owes a sum in marks will also be credited with the amount of Allied currency calculated at the pre-war rate of exchange, so that reciprocity is accorded in this respect.

3. *Prohibition of direct arrangements between debtors and creditors.*

It appears that one of the objections to the prohibition of direct agreements between debtors and creditors is that such prohibition will prevent modification of the amount of the debts. An essential part of the scheme is that debts shall be guaranteed by the governments concerned and paid in full, and no provision which would enable debtors and creditors to agree to be satisfied with some smaller amount than the full claim can be admitted.

*Article 296, paragraphs 3 and 4.*

4. The reserve contained in Article 296, paragraphs 3 and 4, provides for a case in which the payment of interest on government securities shall have been suspended or deferred with regard to all the holders of these government securities, whatever their nationality. The clearing office system ought not to have the effect of allowing a former enemy to receive interest when holders, who are nationals of the state by which the loan was issued or neutrals, have not been paid. This provision is reciprocal. Ex-enemy holders of similar securities will receive arrears of interest under the same conditions as other holders.

*Article 296 (b).*

5. The German Delegation object to the guarantee of the state for the debts of its citizens only on the ground that reciprocity is not given. Full reciprocity is given with regard to this guarantee. The necessity for retaining any balance in favor of Germany arises, as explained above, from the fact that the immediate resources of Germany are not adequate to meet her obligations.

An explanation is desired of the terms "bankruptcy," "failure," and "formal indication of insolvency." These terms indicate conditions in which it has been recognized, in accordance with the laws of the state where a debtor resides, that he is not in a position to meet his liabilities in full.

*Article 296 (c).*

6. As explained above, there is nothing inequitable in the provision with regard to the currency and rate of exchange to be adopted for payment of debts. It is further suggested in the German note that the method of settlement adopted will create a great demand for bills of exchange in the currency of the Allied and Associated Powers, and that this will necessarily lead to a further depreciation of German currency. There is no reason to anticipate such a result, for the balance due by Germany will in practice be settled by crediting Germany with the proceeds of German property liquidated in Allied or Associated States.

*Article 296 (d), last paragraph.*

7. As regards the rate of exchange in the case of new states, due regard will no doubt be paid by the Reparation Commission, in fixing the rate of exchange, to the provisions in force in the new states as to the relations between its currency and the currency previously existing in its territory.

*Article 296 (e).*

8. The German Delegation point out that a period of six months is allowed within which any Allied or Associated State may decide to adopt the clearing office scheme, and suggest that if it is to be put into operation a speedy decision should be required. In this respect satisfaction can be given to the German Delegation, and for this purpose the period of six months can be reduced to one month from the date of ratification of the treaty of peace by the interested power.

*Article 296 (f).*

9. This article provides for the possibility of two Allied and Associated States which have adopted, as regards Germany, the clearing office system, agreeing that nationals of one in the territory of the other shall be treated as nationals of the latter with regard to the payment of their pre-war debts to Germans and the recovery of debts owing to them by Germans.

*Article 72 (Special provisions with regard to Alsace-Lorraine).*

In fact and in law economic relations between Alsace-Lorrainers and Germany have been suspended by the occupation and by the armistice. They will only be resumed at a later date.

It is therefore necessary that the debts of which the payment has been suspended, should be regulated by a special clearing office at a fixed and reciprocal rate of exchange.

The only debts here in question are those between Alsace-Lorrainers who acquire French nationality on the one hand, and the German Empire, German States, and their nationals on the other hand.

## VI

## PROPERTY, RIGHTS AND INTERESTS

*Articles 297 and 298.*

The German Delegation refer, in the first place, to the observations in their note of the 22nd of May with regard to private property, rights and interests. The Allied and Associated Powers have examined above the principles involved in that note.

The remarks of the German Delegation repeat the objection as to the right reserved to the Allied and Associated Powers to liquidate German property after the coming into force of the treaty; to apply measures of liquidation in territory detached from Germany; and to avail themselves at once of the advantages of the settlement provided for in the conditions of peace.

It is sufficient to refer on this subject to the explanations already given, pointing out that the use of property in the manner provided is an essential means for the Allied and Associated States to recover a part of their claim. It is necessary, therefore, for this principle to be applied as widely as possible, and there can be no question of limiting it to property in Allied territory as that territory existed before the war, or to property which has already been liquidated during the war.

Nevertheless, it appears possible to provide a special régime in this respect so far as regards the newly created Allied and Associated Powers and those which are not entitled to reparation in accordance with the conditions of peace.

So far as regards these powers provision is now made that, without prejudice to the rights given to the Reparation Commission by the present treaty, the proceeds of liquidation shall in certain cases be paid direct to the owner. If, on the application of the owner, the Mixed Arbitral Tribunal provided for by Section VI, or an arbitrator appointed by that tribunal, is satisfied that the conditions of sale or measures taken by the Allied or Associated Governments by which the liquidation has been effected, outside their general laws, were unfairly prejudicial to the price obtained, they shall have discretion to award equitable compensation to be paid by the Allied or Associated Government concerned to the owner.

Certain provisions of Article 297 of the conditions of peace are further made the subject of observations by the German Delegation with regard to special matters.

1. The note of the 22nd of May refers to paragraph 10 of the Annex to Section IV relating to the handing over of securities, certificates and like documents of title with regard to property situated in Allied and Associated countries. With regard to such delivery the Allied and Associated Powers have simply adopted a different method from that which Germany herself has adopted in like matters, but with no variation of principle. Germany, in case of similar liquidations of Allied property, gave new securities or certificates to German or neutral nationals, excluding Allied or Associated nationals from the companies or associations concerned. The Allies have considered it preferable, for the purpose of liquidating German interests in Allied enterprises, to require from Germany the direct delivery of the securities and documents of title held by Germans. This difference in method gives no reasonable ground for complaint.

*Article 297 (f) and (g).*

2. The German Delegation ask for an explanation with regard to the conditions in which nationals of Allied and Associated States who are owners of property which has been subjected to a measure of transfer in German territory can require the restoration of such property. This power is given to na-



nationals of Allied and Associated States in the territory of which legislative measures requiring the general liquidation of enemy property were not in application before the signature of the armistice. It does not appear that this provision can be misunderstood. Legislative measures requiring general liquidation clearly mean those which, as in Germany, have been passed by the legislative authority and were applicable to all the property of nationals of an enemy state.

The restoration in specie has the effect of assisting in the settlement of the compensation provided for nationals of Allied and Associated Powers, and limiting the inconveniences falling upon Germany from the depreciation of the mark.

3. The German Delegation also ask for explanations as to the disposal of the proceeds of liquidations of German property.

Such disposal is clearly dealt with by Article 297 (*h*) and paragraph 4 of the Annex to that article, giving the Allied and Associated Powers the right to employ the proceeds of these liquidations as there specified.

*Annex, paragraph 1.*

4. The proviso at the end of the first part of the paragraph, that the provisions of the paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situate by nationals of the Allied and Associated Powers, is inserted in order to prevent the rights of Allied nationals being prejudiced by the confirmation of action taken by the Allied and Associated States. This proviso will not affect the rights of German nationals.

*Annex, paragraph 5.*

5. The object of this paragraph is to require the restoration to the virtual owner of trade-marks outside Germany, which, through liquidation proceedings taken in Germany, have been transferred to other persons. It may be pointed out that the operation of the paragraph is limited to cases in which, before the war, the company incorporated in an Allied or Associated State had rights to the use of the trade-marks or methods of reproduction referred to in the paragraph, and that the German company will be allowed to continue the use of the trade-

marks in Germany and will also be able to manufacture in Germany.

6. The German claim that the property of German institutions for research and education shall be wholly exempt from liability to liquidation cannot be conceded in view of the past activities of some of the institutions which nominally exist for the above purposes. Nevertheless, in the exercise of their rights under Article 297 with regard to any particular institution, the Allied and Associated Powers will have full regard to the interests of the advancement of science and education and of organizations *bona fide* limited to these objects.

The following explanations should be added on certain points referred to in the German note of the 22nd of May:

It is suggested in the German note that the Allied and Associated Governments reserve for themselves the right of extending the process of liquidation to German property which may come within their territory in the future. In explanation it may be said at once that paragraph (b) of Article 297 will be applied only to property as it exists on the coming into force of the treaty of peace.

The German Delegation suggest that there may have been corrupt or fraudulent machinations by persons in the Allied and Associated States dealing with the liquidation of German property. The Allied and Associated States are ready to give full assurance that proceedings will be taken against persons who have committed punishable offences in the liquidation of German property, and that they will welcome any information and evidence which the German Government can furnish in this respect.

Finally, the German note states that it appears to be reserved to the Allied and Associated Governments to reach arbitrary decisions as regards the amount of the claims of their nationals in respect of acts committed by the German Government between the 31st of July, 1914, and the date at which the respective Allied or Associated States entered the war. The Allied and Associated Governments agree that so far as such claims are concerned, their amounts may be assessed by an arbitrator appointed by M. Gustav Ador, or if M. Ador cannot make the appointment, by an arbitrator appointed by the Mixed Arbitral Tribunal.

## VII

## CONTRACTS, PRESCRIPTIONS AND JUDGMENTS

I. *Contracts*

In the provisions of the treaty the determination of the question of the maintenance or dissolution of contracts depends on the fact of trading between the parties being unlawful, because if such trading was not unlawful the contract could have been completed.

The provisions with regard to contracts do not apply to contracts between German nationals and the nationals of the United States of America, of Brazil and of Japan, because the constitution and law of those countries create difficulties in applying these provisions to their nationals.

It is suggested by the German Delegation that the continuance of contracts between enemies be made dependent on the inclination of the Allied and Associated States or of their nationals alone, but in the first place the exception contained in paragraph (b) of Article 299 is limited to cases in which the execution of a contract is required in the general interest, and in the second place, the execution can only be required by the Allied or Associated Government concerned and not by a national of that state. The same paragraph also provides for equitable compensation being granted where the maintenance of the contract would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice.

It is suggested further that this provision would make German contractual interests in the future a prey to the arbitrary will of aliens, but in accordance with the terms of paragraph (b) the execution of a contract thus maintained must be required within six months from the coming into force of the treaty.

The German Delegation suggest that the future treatment of pre-war contracts cannot be solved in one and the same way for all classes of contracts, and it may be pointed out that certain classes of contracts, which are specified in paragraph 2 of the Annex, are excepted by that paragraph from the general rule of dissolution laid down by Article 299.

*Article 299 (d).*

It is suggested that some particular favor is shown to inhabitants of transferred territory who acquire the nationality of an

Allied Power, by excluding contracts between Allied nationals and such persons from the general rule of dissolution of contracts. The treaty, which settles the relations between Allied nationals and German nationals, has not to settle the question of the relations between Allied nationals; this question is entirely a domestic matter.

*Annex, paragraph 12.*

The rule laid down in this paragraph with regard to the cancellation of groups of contracts with German life insurance companies is perfectly equitable, for the German insurance company will get rid of its liability on the policies by handing over the proportion of its assets attributable to those policies.

*Article 75.*

The reasons of an economic character which require the cancellation of contracts concluded before the war between nationals of enemy powers do not apply to contracts concluded during the war between Alsace-Lorrainers who regain French nationality and Germans. The maintenance of these contracts is accordingly provided for by the treaty. At the same time, reasons of a political character may require the cancellation by the French Government in the general interest of certain contracts which were or may have been imposed on Alsace-Lorraine manufacturers with a view to subjecting their interests to German economic interests.

In order to avoid perpetuating the disturbance which cancellations of this character might introduce into commercial relations, the exercise of the right of cancellation has been limited to six months. Nevertheless, the Allied and Associated Powers agree to add to Article 75 the following provision:

"If the dissolution provided for in the second paragraph of this article would cause one of the parties substantial prejudice, equitable compensation, calculated solely on the capital employed without taking account of loss of profits, shall be accorded to the prejudiced party."

## II. *Prescriptions*

*Article 300 (b).*

This provision applies to judicial or administrative measures of execution which may have been taken in consequence of the non-performance of any act or formality during the war.



*Article 300 (d).*

This provision applies to cases in which a contract has been dissolved without resorting to any judicial or similar procedure. The Allied and Associated Powers agree to the addition of the words "between enemies" after the word "contract" in the first line of the paragraph, in order to limit definitely the application of the paragraph to a contract between enemies.

It is suggested by the German Delegation that paragraph (d) is unnecessary, because of the provisions of paragraph (c); but it should be pointed out that paragraph (c) only deals with cases in which rights have been prejudiced by measures referred to in paragraph (b). Paragraph (d) is accordingly necessary.

### III. *Judgments*

*Article 302.*

The treaty provides that in certain cases Allied or Associated courts are competent to decide certain disputes, but this power is not given to the German courts. Reciprocity is not therefore possible with regard to the execution of judgments or the application to the Mixed Arbitral Tribunal for compensation.

## VIII

### MIXED ARBITRAL TRIBUNAL

*Article 304.*

The suggestion that the jurisdiction of the Mixed Arbitral Tribunal be extended may be answered as follows. The purpose of the Tribunal is not only to decide new rights arising under the treaty, but also to provide a new forum to which may be referred certain disputes concerning private rights already in existence. As to these, the courts of the Allied and Associated Powers already have jurisdiction, and some of these powers find insuperable difficulties in attempting to deprive their courts of it. Under their systems of jurisprudence, and in existing circumstances, they find no sufficient reason for excluding their citizens from the access to their own courts which their laws now afford. No new jurisdiction is conferred upon any such courts, and German litigants are not prejudiced through the retention by such courts of the jurisdiction which they now have.

*Article 304 (f).*

The German proposal to bring into accord the wording of Article 304 (f) of paragraph 24 of the Annex to Article 296, Section III, may be accepted. For this purpose, the more precise of the two versions should be selected, *viz.*, "The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals."

*Annex, paragraphs 8 and 9.*

Objection is raised by the German Delegation to the provision in paragraphs 8 and 9 of the Annex to Article 304, providing that the language of the Mixed Arbitral Tribunal and the place and time of its sessions shall be determined by the Allied or Associated Power concerned; in order to meet this objection the Allied and Associated Powers agree that the language of the proceedings shall, unless otherwise agreed, be English, French, Italian or Japanese as may be determined by the Allied or Associated Power concerned, and that the time and place of meeting shall be determined by the president of the Tribunal.

*Article 304 (g).*

The Allied and Associated Powers further agree to accept the suggestion of the German Delegation according to which the tribunals and authorities of the High Contracting Parties will furnish to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly by transmitting notices and collecting evidence.

With regard to the German note of the 29th of May asking for information as to the property of German nationals in Allied and Associated countries, it is not possible to furnish a reliable estimate of the value of such property, but the German Delegation no doubt has information in its possession from the returns made to the German Government.

## IX

## INDUSTRIAL PROPERTY

*Article 306.*

1. The term "ayants droit" in the French text and "legal representatives" in the English text, used in Article 306 as having an identical meaning, ought to be understood: the first as denot-

ing the persons who legally represent the beneficiaries whose rights they have acquired, whether by succession or any other regular transfer, the second as signifying "heirs, executors, and assigns."

2. The last paragraph of Article 306 relates only to cases where German-owned companies and businesses have been, or will be hereafter, liquidated under Article 297 of Section IV of the treaty (Property, Rights, and Interests). The provision, which moreover corresponds to the measures taken by Germany in respect of property belonging to nationals of the Allied and Associated States, is, therefore, limited to the businesses or companies which are, or will be, in existence at the coming into force of the treaty.

3. The Allied and Associated Powers are not prepared to grant the request of the German Delegation for reciprocity in regard to the maintenance of the legal and administrative acts taken by the governments during the war in respect of industrial, literary and artistic property. Certain Allied and Associated States have not taken any measures of this kind, so that if reciprocity were accorded it would be to the detriment of the rights of the nationals of such states without any offset.

4. The clause providing that no action shall be brought by Germany or her nationals in respect of the use during the war of her industrial, literary or artistic property by the government of any Allied or Associated Power, or by any person acting on behalf or with the assent of such government, is clearly a proper and necessary clause providing for amnesty for all acts done by a government or its agents. The Allied and Associated Powers are not, however, prepared to make the clause reciprocal, especially as they have no knowledge as to the action which may have been taken by the German Government with respect to the industrial, literary and artistic property owned by their citizens.

As regards the disposition of funds arising from the use of industrial property during the war, it should be pointed out that the procedure in this matter must necessarily be the same as that followed in regard to other debts.

5. The words "Unless the legislation of any one of the Allied and Associated Powers otherwise directs" in the fourth paragraph of Article 306 apply only to the legislation existing at the moment of the signature of the treaty of peace. There is no objection, in order to make this clear, to inserting the words "in force at the moment of the signature of the present treaty" to

qualify the word "legislation" in the first phrase of the fourth paragraph of Article 306.

6. The difference between the expression "sums due or paid" on the one hand and "sums produced" on the other, in the fourth paragraph of Article 306, is explained by the fact that the effect of the Allied emergency measures will continue and that sums will be paid in future, whereas the measures taken by Germany will cease to have effect.

7. The fifth paragraph of Article 306, which provides that the Allied and Associated Powers shall have the right to impose limitations, conditions or restrictions on rights of industrial property owned by Germans, has by no means for its object the outlawing of such property or the confiscation of these rights.

(a) It is intended, on the one hand, to reserve to the Allied and Associated Powers the right to impose restrictions on industrial, literary and artistic property when considered necessary for national defence or public interest. This right, which Germany has reserved to herself by her domestic legislation, is a general and continuing right, to be exercised as occasion arises in respect of industrial, literary and artistic property acquired before or after the coming into force of the treaty of peace.

(b) It is intended, on the other hand, to retain the power to use industrial, literary and artistic property as a pledge for the accomplishment of the obligations of Germany and for the reparation of damages, in the same manner as it is proposed to retain power to deal with other German property. But it is not the intention of the Allied and Associated Powers to utilize for this purpose the industrial, literary and artistic property which may arise after the coming into force of the present treaty. Only the industrial, literary and artistic property arising before or during the war will be subjected by the Allied and Associated Powers to limitations, conditions or restrictions for assuring the fair treatment by Germany of the rights of industrial, literary and artistic property held in German territory by their nationals or for securing the due fulfillment of all the obligations undertaken by Germany in the present treaty.

To make clear the different treatment which they intend to accord to property acquired before the coming into force of this treaty and that acquired thereafter the Allied and Associated Powers are prepared to add to the fifth paragraph of Article 306 the following provision:



"As regards the rights of industrial, literary and artistic property acquired after the coming into force of the present treaty, the above-mentioned right reserved by the Allied and Associated Powers shall only be exercised in the case where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest."

The Allied and Associated Powers see no objection to making it clear that the measures which can be taken under the fifth paragraph of Article 306 will not be exercised without compensation to the German beneficiaries of the rights, and with this object are prepared to insert after the above-mentioned addition to this paragraph the following new paragraph:

"In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present treaty."

#### *Article 307.*

8. The German objection to the reservation by the Allied and Associated Powers of freedom to apply their war legislation to patents which may be revived under Articles 307 and 308 is based on an exaggerated view of the effect of this provision, which would probably affect only a small number of patents revived. All such patents would, if they had been kept up, have been subject to similar provisions during the war. The Allied and Associated Powers are prepared to limit their rights in this matter to the grant of licences, and for this purpose to insert the words "as to the grant of licences" after the word "provisions" in the penultimate line of the second paragraph of Article 307.

#### *Article 310.*

9. Since contracts for licences in respect of rights in industrial, literary and artistic property should receive the same treatment as other pre-war contracts, the same procedure should be applied to them as is applied to contracts generally, as provided in Articles 299 to 305.

#### *Article 311.*

10. As regards the recognition and the protection of rights in industrial, literary and artistic property belonging to Ger-

mans in the territories separated from Germany, the following addition is made to Article 311:

"The rights of industrial, literary, and artistic property which are in force in the territories separated from Germany in accordance with the present treaty, at the moment of the separation of these territories from Germany, or which will be reestablished or restored in accordance with the provisions of Article 306 of the present treaty, shall be recognized by the state to which the said territory is transferred, and shall remain in force in that territory for the same period of time given them under the German law."

## PART XII

### PORTS, WATERWAYS AND RAILWAYS

The remarks of the German Delegation regarding the clauses affecting communications (Part XII of the conditions of peace) are, for the most part, too general to allow of a detailed reply, and, further, are not in the nature of technical objections. On all points the German Delegation seem to recognize that the proposed measures are capable of practical application; their opposition is essentially one of principle, both from the theoretical and the political point of view.

These objections and criticisms can, indeed, be summarized as follows :

In the first place, Germany considers her sovereign rights to be infringed by any stipulation introducing into the régime of her ports, navigable waterways and railways any kind whatever of international control, and, indeed, by any stipulation introducing any definite contractual obligation in the treaty of peace. Further, since Germany claims to enter the League of Nations forthwith on a footing of complete equality with other peoples, she therefore refuses to subscribe to any engagements which would not be imposed on a basis of reciprocity, and immediately, on the Allied and Associated Powers as on herself.

Opposition on points of detail and objection to the solution of particular problems are explained only on the basis of these two fundamental differences. Germany seems to agree as to the rules of freedom of transit and international circulation, but directly the question as to the measures necessary to secure the application thereof on her territory is raised, she

alleges either that she cannot submit to a "meddling in her internal organization as regards railway traffic and working," or that "the vital strength of German coast towns is intentionally weakened by the Allied and Associated Powers securing to themselves the right to use the ports and navigable waterways exempt, in practice, from any German control," or, finally, that adhesion in advance to future international conventions on means of communication is an affront to her dignity, and that the provisions for the construction of railways and canals on her territory are a violation of her independence. In other cases (*régime* of tariffs on railways, equal treatment for all nations in ports and on navigable waterways), she accepts the proposed stipulations subject only to certain reserves, and on a condition of immediate reciprocity on the part of the Allied and Associated Powers. Similarly, it is noted that, with regard to the question of Danzig, Germany declares herself ready to accord, to assure Poland free access to the sea, facilities and advantages similar to those which are asked from her at Hamburg and Stettin on behalf of the Czecho-Slovak State; but without raising any objection of principle she claims to make the matter in both cases the subject of, and a counter in a special negotiation with the interested parties only, without any international guarantee. The regulation of the Elbe, the Danube and the Niemen, which also does not meet with any technical objections, should for similar reasons be left to friendly agreements, which alone are compatible with the sovereign rights of the German State.

The Covenant of the League of Nations refers specially in Article 23 (*e*) to "provision to secure and maintain freedom of communications and of transit, and equitable treatment for the commerce of all members of the League. In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind." This freedom of communications and equal treatment for all nations on the territory of Germany are exactly those laid down and guaranteed in Part XII of the conditions of peace. Until general conventions, which will be integral parts of the statute of the League of Nations, can render possible a wider application of these principles, it has appeared necessary to insert at once the essential provisions of such general conventions in the treaty of peace so that an enemy state may not, by future obstructive procedure and for political reasons, prevent their being put into force

and further to insist in advance that such general conventions shall be accepted in their entirety in the future. Provision is formally made for the extension of these provisions, and for the ultimate grant of reciprocity in respect of all such as are capable of being made reciprocal, but only after five years, unless the Council of the League of Nations decides to prolong that period. It would not have been possible, by immediately granting equal treatment to Germany, to allow her to profit indirectly from the material devastation and the economic ruin for which her government and her armies are responsible. But at the end of this period Germany will be able to claim on the territory of the Allied and Associated Powers the application of those measures which she today describes as constituting a meddling with her internal organization which cannot be borne, or, alternatively, she will herself cease to be bound thereby.

Such are the principles which underlie and explain the texts referring to the general régime of traffic on ways of communication. The Allied and Associated Powers have in no case attempted to prevent the legitimate use by Germany of her economic independence, but have merely proposed to prevent the abusive use thereof. Above all, they have aimed at securing freedom of communications and transit to or from young landlocked states, which, in the absence of definite guarantees, would have regained their political independence only to fall one again under the economic tutelage of Germany.

The same ideas have given rise to and inspired the solution of the definite problems raised by the organization of the particular communication routes in question.

Thus, the provisions regarding internal navigation routes apply only to river systems which are all international as defined by the Congress of Vienna and by later conventions. The Oder, for example, from its confluence with the Oppa, was declared international under a treaty between Austria and Prussia dated the 8th of August, 1839; the Czecho-Slovak State possesses therefore a juridical interest in the navigation régime of this river. Nor are the canals mentioned in the treaty the internal canal system of Germany, but only (except the case of the Rhine-Meuse and Rhine-Danube navigable waterways) the lateral canals constructed to duplicate or improve naturally navigable sections of the same international rivers. It should be noted in this connection that the Czecho-Slovak State de-



clares itself prepared to place under the administration of the International Commission for the Oder a certain number of canals to be constructed subsequently to extend this system of waterways across its territory. Lastly, as regards the functions of the River Commissions, these are limited to the practical application of the principles laid down either in Article 332 to 337 of the treaty or in a future international convention which is subject to the approval of the League of Nations. Their powers are not limited to German territory, but extend in all cases to the territory of at least one of the Allied or Associated Powers. The internationalization of the Elbe is even extended to one of its tributaries whose course lies solely within Czecho-Slovakian territory—*viz.*, the Vltava (Moldau) up to Prague. In conformity with all precedents, the sole object of the regulations of navigation on these rivers is to establish complete equality between the subjects of all nations, and not to allow any riparian state to use its geographical situation and the fact that a great route of international communication passes through its territory as a means of applying economic and political pressure on states dependent on it. Delegates from non-riparian states are included in the River Commissions as well as representatives of the riparian states, in the first place as representing the general interest in free circulation on the rivers regarded as transit routes; and, secondly, so that within the River Commissions themselves they may act as a check on the strongest riparian state abusing her preponderating influence to the detriment of the others. For the same reason, in deciding upon the number of representatives allotted to each riparian state, the great factor of freedom of communication must rank first.

The international régime has been, or is ultimately to be, extended to certain connecting waterways. The Rhine-Meuse and the Rhine-Danube waterways, the construction of which is contemplated, and which are necessary for the development of communication by inland navigation between the North Sea and the Black Sea and to the vital economic interests of Belgium and the new states of Eastern Europe, cannot be left without guarantee under the sole control of Germany. The Kiel Canal, which was built solely for military ends, and the administration of which is left to Germany, must in future be open to international navigation so that an easier access to the Baltic may be secured for the benefit of all.

An undeniable regard for what is right underlies the provisions relating to the use of the water-power of the Rhine on the Franco-German frontier and those regarding the cession of railway material which, nevertheless, Germany describes as contrary to justice.

The use of the water-power of the Rhine is, indeed, left entirely in the hands of France, on whose territory almost all the works will be carried out; the building of weirs on either bank by two states who are necessarily competitors could only result in interference with the navigability of the river and with the free exercise of the right of passage by all interested parties, and would diminish the economic yield from the use of the power. But France undertakes to pay Germany the share due to her by natural right in the use of the power, that is, one-half of the value of the power produced after deducting the cost of the works.

As to the cession of railway material, including the cessions to Poland, it is obvious that in making a fair distribution of the available rolling-stock among the states concerned special account must be taken of the necessity of the resumption of normal working conditions. It is certainly the intention of the Allied and Associated Powers that the condition in which railways and rolling-stock should be handed over is the actual condition in which such railways and rolling-stock happened to be at the time of the signature of the armistice; with the exception, however, as regards the cession of rolling-stock, of cases where expert commissions might decide otherwise on account of the allocation of repair shops resulting from the territorial clauses.

The Allied and Associated Powers are therefore fully convinced that the principles of these clauses, based on the desire to guarantee the free régime of international routes of communication against all obstacles, are those on which the armistice was based and which have governed the preparation of the treaty of peace. Nevertheless, actuated by the spirit of justice which has always guided the work of the Peace Conference, they have endeavored to ascertain after a further careful and detailed examination of the provisions what alterations could equitably be made therein without infringing in any way the principles set out above, and as a result the following amendments have been introduced:

The freedom of transit between East Prussia and the rest of Germany is more clearly defined.

The number of representatives from Germany on the Commission for the Oder is increased from one to three.

Measures are taken to ensure the representation of Germany at the conference which will be charged with the duty of establishing a definitive statute for the Danube.

The (future) Rhine-Danube canal is to be subjected merely to the régime applicable to waterways declared to be international.

The provisions relating to the possibility of an international commission being required for the Kiel Canal, and a large part of the provisions relating to railways to be constructed on German territory, are deleted.

## PART XIII

### LABOR

The observations put forward by the German Delegation with reference to the labor section of the treaty contain practically nothing which has not already been included in the two notes previously submitted by that Delegation on the 10th and 22nd of May, 1919, to which full and detailed replies were sent on the 14th and 28th of May. The Allied and Associated Powers do not consequently think it desirable to resume the examination of the questions already dealt with in these notes and in the replies which have been made to them.

With reference to the point concerning the protection of labor in ceded territories, Article 312 of the treaty expressly stipulates for such protection by means of conventions to be concluded between Germany and the states concerned. Further provision, however, has been made for carrying into effect the intention of this article by inserting in it a plan for reference to impartial technical commissions of all cases in which an early settlement is not reached by direct negotiation.

## PART XIV

### GUARANTEES

The German Delegation observe in their remarks on the conditions of peace: "Only a return to the immutable principles of

morality and civilization, to sanctity of treaties would render it possible for mankind to continue to exist."

After four and a half years of war which was caused by the repudiation of these principles by Germany, the Allied and Associated Powers can only repeat the words pronounced by President Wilson on September 27, 1918: "The reason why peace must be guaranteed is that there will be parties to the peace whose promises have proved untrustworthy."



# INTERNATIONAL CONCILIATION

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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION

SUB-STATION 84 (407 WEST 117TH STREET)

NEW YORK CITY



ASSISTANCE TO FRANCE IN THE EVENT OF  
UNPROVOKED AGGRESSION  
BY GERMANY

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*Message from the*  
PRESIDENT OF THE UNITED STATES

*Transmitting*

An Agreement between the United States and France which was signed at Versailles, June 28, 1919, to secure the Republic of France the immediate aid of the United States in case of unprovoked movement of aggression against her on the part of Germany

## MESSAGE OF TRANSMITTAL

## GENTLEMEN OF THE SENATE:

I take pleasure in laying before you a treaty with the Republic of France, the object of which is to secure that Republic of the immediate aid of the United States of America in case of any unprovoked movement of aggression against her on the part of Germany. I earnestly hope that this treaty will meet with your cordial approval and will receive an early ratification at your hands, along with the treaty of peace with Germany. Now that you have had an opportunity to examine the great document I presented to you two weeks ago, it seems opportune to lay before you this treaty which is meant to be in effect a part of it.

It was signed on the same day with the treaty of peace and is intended as a temporary supplement to it. It is believed that the treaty of peace with Germany itself provides adequate protection to France against aggression from her recent enemy on the east; but the years immediately ahead of us contain many incalculable possibilities. The Covenant of the League of Nations provides for military action for the protection of its members only upon advice of the Council of the League—advice given, it is to be presumed, only upon deliberation and acted upon by each of the governments of the member states only if its own judgment justifies such action. The object



of the special treaty with France which I now submit to you is to provide for immediate military assistance to France by the United States in case of any unprovoked movement of aggression against her by Germany without waiting for the advice of the Council of the League of Nations that such action be taken. It is to be an arrangement, not independent of the League of Nations, but under it.

It is, therefore, expressly provided that this treaty shall be made the subject of consideration at the same time with the treaty of peace with Germany; that this special arrangement shall receive the approval of the Council of the League; and that this special provision for the safety of France shall remain in force only until, upon the application of one of the parties to it, the Council of the League, acting, if necessary, by a majority vote, shall agree that the provisions of the Covenant of the League afford her sufficient protection.

I was moved to sign this treaty by considerations which will, I hope, seem as persuasive and as irresistible to you as they seemed to me. We are bound to France by ties of friendship which we have always regarded, and shall always regard, as peculiarly sacred. She assisted us to win our freedom as a nation. It is seriously to be doubted whether we could have won it without her gallant and timely aid. We have recently had the privilege of assisting in driving enemies, who were also enemies of the world, from her soil; but that does not pay our debt to her. Nothing can pay such a debt. She now desires that we should promise to lend our great force to keep her safe against the power she has had most reason to fear. Another great nation volunteers the same promise.

It is one of the fine reversals of history that that other nation should be the very power from whom France fought to set us free. A new day has dawned. Old antagonisms are forgotten. The common cause of freedom and enlightenment has created new comradeships and a new perception of what it is wise and necessary for great nations to do to free the world of intolerable fear. Two governments who wish to be members of the League of Nations ask leave of the Council of the League to be permitted to go to the assistance of a friend whose situation has been found to be one of peculiar peril, without awaiting the advice of the League to act.

It is by taking such pledges as this that we prove ourselves faithful to the utmost to the high obligations of gratitude and tested friendship. Such an act as this seems to me one of the proofs that we are a people that sees the true heart of duty and prefers honor to its own separate course of peace.

WOODROW WILSON

The White House, *July 29, 1919.*

ASSISTANCE TO FRANCE IN THE EVENT OF  
UNPROVOKED AGGRESSION  
BY GERMANY

AGREEMENT BETWEEN THE UNITED STATES AND FRANCE  
SIGNED AT VERSAILLES JUNE 28, 1919.

Whereas the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world so happily restored by the treaty of peace signed at Versailles the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that power; and,

Whereas the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the Treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the Treaty of Versailles as a hostile act against all the powers signatory to that treaty and as calculated to disturb the peace of the world by involving inevitably and directly the states of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and,

Whereas the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine contained in said Treaty of Versailles may not at first provide adequate security and protection to France on the one hand and the United States of America as one of the signatories of the Treaty of Versailles on the other;

Therefore, the United States of America and the French Republic having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, specially authorized thereto by the President of the United States, and Georges Clemenceau, President of the Council, Minister of War, and Stephen Pichon, Minister of Foreign Affairs, specially authorized thereto by Raymond Poincaré, President of the French Republic, have agreed upon the following articles:

#### ARTICLE I

In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany signed at Versailles the 28th day of June, 1919, by the United States of America, the French Republic and the British Empire among other powers:

"ARTICLE 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the east of the Rhine.

"ARTICLE 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind, as well as the upkeep of all permanent works for mobilization are in the same way forbidden.



"ARTICLE 44. In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world."

may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

#### ARTICLE II

The present treaty, in similar terms with the treaty of even date for the same purpose concluded between Great Britain and the French Republic, a copy of which treaty is annexed hereto, will only come into force when the latter is ratified.

#### ARTICLE III

The present treaty must be submitted to the Council of the League of Nations, and must be recognized by the Council, acting if need be by a majority, as an engagement which is consistent with the Covenant of the League. It will continue in force until on the application of one of the parties to it the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

#### ARTICLE IV

The present treaty will be submitted to the Senate of the United States at the same time as the Treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chambers of Deputies [aux Chambres françaises] for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the Treaty of Versailles at Paris or as soon thereafter as shall be possible.

In faith whereof the respective plenipotentiaries, to wit: On the part of the United States of America, Woodrow

Wilson, President, and Robert Lansing, Secretary of State, of the United States; and on the part of the French Republic, Georges Clemenceau, President of the Council of Ministers, Minister of War, and Stephen Pichon, Minister of Foreign Affairs, have signed the above articles both in the English and French languages, and they have hereunto affixed their seals.

Done in duplicate at the City of Versailles, on the twenty-eighth day of June, in the year of our Lord one thousand nine hundred and nineteen, and the one hundred and forty-third of the Independence of the United States of America.

[Seal]

WOODROW WILSON

[Seal]

ROBERT LANSING

[Seal]

G. CLEMENCEAU

[Seal]

S. PICHON

ASSISTANCE TO FRANCE IN THE EVENT OF  
UNPROVOKED AGGRESSION  
BY GERMANY

AGREEMENT BETWEEN ENGLAND AND FRANCE  
SIGNED AT VERSAILLES JUNE 28, 1919.

Whereas there is a danger that the stipulations relating to the left bank of the Rhine contained in the treaty of peace signed this day at Versailles may not at first provide adequate security and protection to the French Republic; and,

Whereas His Britannic Majesty is willing, subject to the consent of His Parliament and provided that a similar obligation is entered into by the United States of America, to undertake to support the French Government in the case of an unprovoked movement of aggression being made against France by Germany; and,

Whereas His Britannic Majesty and the President of the French Republic have determined to conclude a treaty to that effect and have named as their plenipotentiaries for the purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India:

The Right Honourable David Lloyd George,  
M. P., First Lord of His Treasury and Prime  
Minister;

The Right Honourable Arthur James Balfour,  
O. M., M. P., His Secretary of State for  
Foreign Affairs;

The President of the French Republic:

Mr. Georges Clemenceau, President of the Council,  
Minister of War;

Mr. Stephen Pichon, Minister of Foreign Affairs;

who, having communicated their full powers found in good and due form, have agreed as follows:

#### ARTICLE I

In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany signed at Versailles the 28th day of June, 1919, by the British Empire, the French Republic and the United States of America among other powers:

"ARTICLE 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the east of the Rhine.

"ARTICLE 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind, as well as the upkeep of all permanent works for mobilization are in the same way forbidden.

"ARTICLE 44. In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world."

may not at first provide adequate security and protection to France, Great Britain agrees to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

#### ARTICLE II

The present treaty, in similar terms with the treaty of even date for the same purpose concluded between the French Republic and the United States of America, a copy of



which treaty is annexed hereto, will only come into force when the latter is ratified.

#### ARTICLE III

The present treaty must be submitted to the Council of the League of Nations and must be recognized by the Council, acting if need be by a majority, as an engagement which is consistent with the Covenant of the League; it will continue in force until on the application of one of the parties to it the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

#### ARTICLE IV

The present treaty shall before ratification by His Majesty be submitted to Parliament for approval.

It shall before ratification by the President of the French Republic be submitted to the French Chambers for approval.

#### ARTICLE V

The present treaty shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the parliament of the dominion concerned.

The present treaty shall be ratified, and shall, subject to Articles II and IV, come into force at the same time as the treaty of peace with Germany of even date comes into force for the British Empire and the French Republic.

In faith whereof the above named plenipotentiaries have signed the present treaty, drawn up in the English and French languages.

Done in duplicate at Versailles, on the twenty-eighth day of June, 1919.

D. LLOYD GEORGE  
ARTHUR JAMES BALFOUR  
CLEMENCEAU  
S. PICHON



AGREEMENT

BETWEEN

HIS BRITANNIC MAJESTY'S GOVERNMENT  
AND THE PERSIAN GOVERNMENT

SIGNED AT TEHRAN, AUGUST 9, 1919

PRESENTED TO PARLIAMENT  
BY COMMAND OF HIS MAJESTY

# AGREEMENT BETWEEN HIS BRITANNIC MAJESTY'S GOVERNMENT AND THE PERSIAN GOVERNMENT<sup>1</sup>

SIGNED AT TEHRAN, AUGUST 9, 1919.

## No. 1

### AGREEMENT BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND PERSIA

**PREAMBLE:** In virtue of the close ties of friendship which have existed between the two Governments in the past, and in the conviction that it is in the essential and mutual interests of both in future that these ties should be cemented, and that the progress and prosperity of Persia should be promoted to the utmost, it is hereby agreed between the Persian Government on the one hand, and His Britannic Majesty's Minister, acting on behalf of his Government, on the other, as follows:

1. The British Government reiterate, in the most categorical manner, the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

2. The British Government will supply, at the cost of the Persian Government, the services of whatever expert advisers may, after consultation between the two Governments, be considered necessary for the

<sup>1</sup>Reprinted from a photostat copy of the British parliamentary White Paper, Persia No. 1 (1919). The text of the Anglo-Persian agreement has also been published in *Current History*, November, 1919, the *Nation* (New York), October 11, 1919 and the *International Review*, November, 1919.



several departments of the Persian Administration. These advisers shall be engaged on contracts and endowed with adequate powers, the nature of which shall be the matter of agreement between the Persian Government and the advisers.

3. The British Government will supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian, which shall assemble forthwith for the purpose of estimating the needs of Persia in respect of the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers.

4. For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement, the British Government offer to provide or arrange a substantial loan for the Persian Government, for which adequate security shall be sought by the two Governments in consultation in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending the completion of negotiations for such a loan the British Government will supply on account of it such funds as may be necessary for initiating the said reforms.

5. The British Government fully recognising the urgent need which exists for the improvement of communications in Persia, with a view both to the extension of trade and the prevention of famine, are prepared to cooperate with the Persian Government for the encouragement of Anglo-Persian enterprise in this direction, both by means of railway construction and other forms of transport; subject always to the

examination of the problems by experts and to agreement between the two Governments as to the particular projects which may be most necessary, practicable and profitable.

6. The two Governments agree to the appointment forthwith of a joint Committee of experts for the examination and revision of the existing Customs Tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity.

Signed at Tehran, *August 9, 1919.*

## No. 2

### AGREEMENT RELATING TO LOAN OF £2,000,000 AT 7 PER CENT., REDEEMABLE IN TWENTY YEARS

PREAMBLE: Contract between the British Government and the Persian Government with reference to an agreement concluded this day between the said Governments. It is agreed as follows:

ARTICLE 1. The British Government grant a loan of £2,000,000 sterling to the Persian Government, to be paid to the Persian Government as required in such instalments and at such dates as may be indicated by the Persian Government after the British Financial Adviser shall have taken up the duties of his office at Tehran, as provided for in the aforesaid agreement.

ARTICLE 2. The Persian Government undertakes to pay interest monthly at the rate of 7 per cent. per annum upon sums advanced in accordance with article 1 up to the 20th March, 1921, and thereafter to pay monthly such amount as will suffice to liquidate the principal sum and interest thereon at 7 per cent. per annum in twenty years.

ARTICLE 3. All the revenues and Customs receipts assigned in virtue of the contract of the 8th May, 1911<sup>2</sup>, for the repayment of the loan of £1,250,000, are assigned for the repayment of the present loan with continuity of all conditions stipulated in the said contract, and with priority over all debts other than the 1911 loan and subsequent advances made by the British Government. In case of insufficiency of the receipts indicated above the Persian Government undertakes to make good the necessary sums from other resources, and for this purpose the Persian Government hereby assigns to the service of the present loan, and of the other advances above mentioned, in priority and with continuity of conditions stipulated in the aforesaid contract, the Customs receipts of all other regions, in so far as these receipts are or shall be at its disposal.

ARTICLE 4. The Persian Government will have the right of repayment of the present loan at any date out of the proceeds of any British loan which it may contract for.

Signed at Tehran, *August 9, 1919.*

### No. 3

ARTICLE 5 OF CONTRACT BETWEEN THE PERSIAN GOVERNMENT AND THE IMPERIAL BANK OF PERSIA  
RELATING TO THE PERSIAN GOVERNMENT  
FIVE PER CENT. LOAN OF £1,250,000  
OF MAY 8, 1911

*(Included for Reference)*

5. The Imperial Government of Persia specially assigns to the service of the loan, and as a first charge

<sup>2</sup> See No. 3.

thereon, subject only to prior charges amounting to £15,714 1s. 10d. per annum for three years, and £30,278 12s. 7d. per annum from the year 1913 to the year 1928. The full net customs receipts of every description which the Government now is, or at any time hereafter may be, entitled to collect and receive at all ports or places in the Persian Gulf, including Bushire, Bunder Abbas, Lingah, Mohammerah, and Ahwaz, which receipts are hereby made payable to the Bank, and the Imperial Government of Persia hereby engages forthwith after receipt thereof to pay to the Bank all such Customs receipts as aforesaid without deduction other than for actual expenses of administration of the customs of the said ports disbursed prior to the date of such payment.

(a) The Imperial Government of Persia undertakes that throughout the continuance of the loan all sums collected by the Customs Administration shall be paid to the Bank at the ports of collection, or at its nearest branch, week by week for meeting the prior charges referred to above and for the service of the loan, and an account of such receipts shall be submitted to the Persian Government by the Bank at the end of each month.

(b) The bank shall, out of the moneys so collected, pay the prior charges above-mentioned, and the interest and sinking fund of the loan, and shall hold the surplus at the disposal of the Imperial Government of Persia.

(c) The bank undertakes, out of the moneys so received, to pay on behalf of the Imperial Government of Persia the half-yearly coupon in London, and supervise the working of the sinking fund and service of the loan free of charges connected with the same.



(d) In the event of the Customs receipts of the above-mentioned ports for any three months falling short of the amount required for the prior charges and the service of the loan, either for interest or amortisation, the Imperial Government of Persia binds itself to make good such deficiency from other sources of Government revenue, and further, should receipts from these sources fall below the amount required as above, the Persian Government hereby assigns for this purpose the revenue derived from the receipts of the telegraphs—this assignment to constitute a second charge on the said telegraph receipts up to the year 1928, after which the telegraph receipts will be free.

#### No. 4

SIR P. COX TO HIS HIGHNESS VOSSUG-ED-DOWLEH.

British Legation, Tehran, August 9, 1919.

Your Highness,

I trust your Highness has been able, during your successful direction of affairs of the Persian State, to convince yourself that His Britannic Majesty's Government have always endeavoured to support to the utmost the efforts of your Highness's Cabinet on the one hand to restore order and security in the interior of the country, and on the other to maintain a policy of close cooperation between the Persian and British Governments.

As further evidence of the goodwill by which the Cabinet of London is inspired, I am now authorised to inform your Highness that, in the event of the agreement regarding projects of reforms which your Government contemplates introducing in Persia being concluded, His Britannic Majesty's Government will

be prepared in due course to cooperate with the Persian Government with a view to the realisation of the following desiderata:

1. The revision of the treaties actually in force between the two Powers.

2. The claim of Persia to compensation for material damaged suffered at the hands of other belligerents.

3. The rectification of the frontier of Persia at the points where it is agreed upon by the parties to be justifiable.

The precise manner, time and means to be chosen for pursuing these aims shall be discussed, as soon as practicable, by the two Governments.

I have, &c.

[Signed] P. Z. Cox

No. 5

SIR P. COX TO HIS HIGHNESS VOSSUG-ED-DOWLEH.

British Legation, Tehran, August 9, 1919.

Your Highness,

With reference to the second desideratum indicated in my previous letter of today's date, it is understood and agreed between the two Governments reciprocally that, on the one hand His Majesty's Government will not claim from the Government of His Majesty the Shah the cost of the maintenance of British troops which His Majesty's Government were obliged to send to Persia owing to Persia's want of power to defend her neutrality, and that on the other hand the Persian Government will not claim from the British Government an indemnity for any damage which may have been caused by the said troops during their presence in Persian territory.

It is to be understood, however, that this agreement of the two parties does not in any way affect the claims of individuals and private institutions, which will be dealt with independently.

A note from your Highness informing me that you accept this position on behalf of the Persian Government will suffice to record the agreement of the two Governments on this subject.

I have, &c.

[Signed]

P. Z. Cox

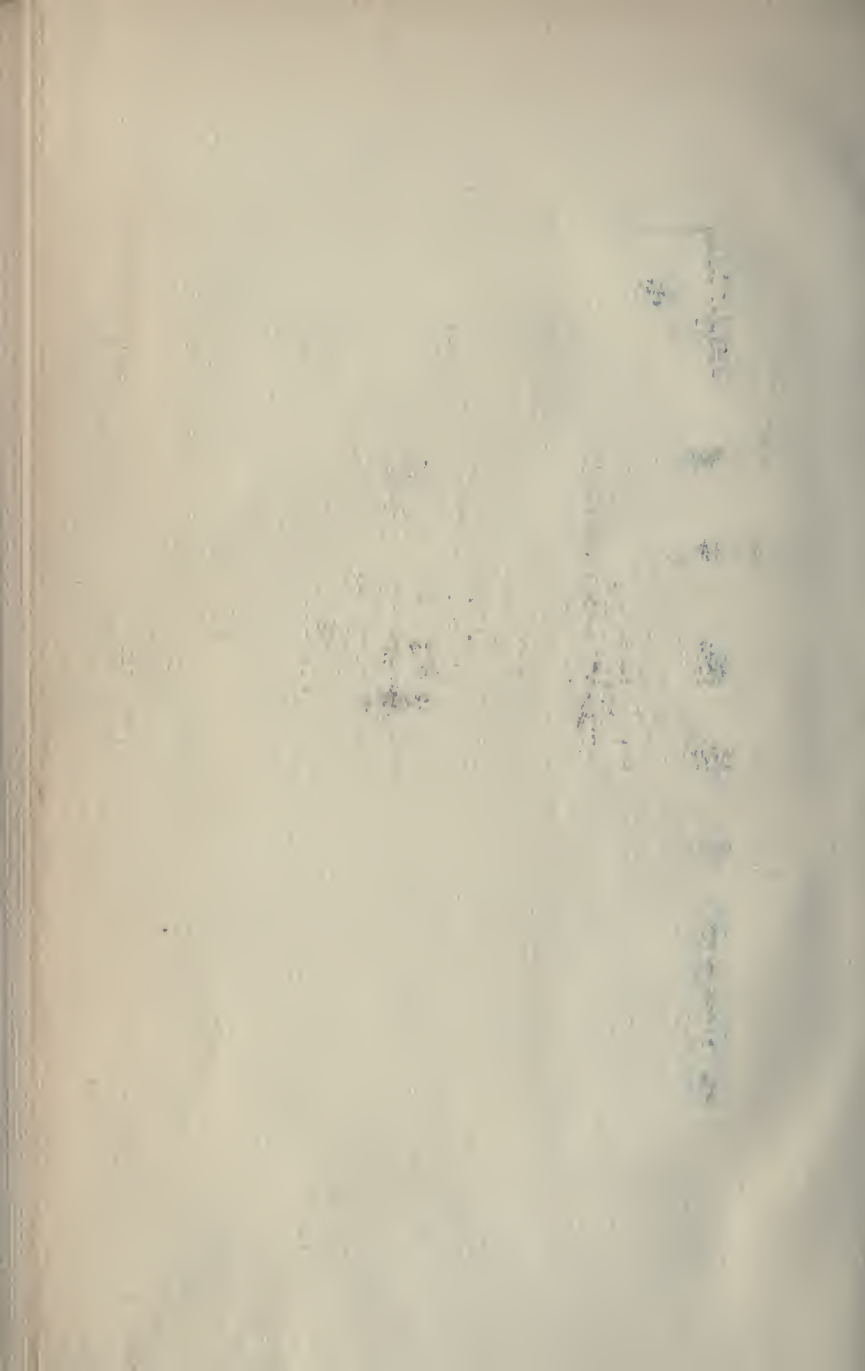
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